

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Saturday, July 11, 1942

## The President

### EXECUTIVE ORDER 9196

#### GOVERNMENT PURCHASES OF PRISON-MADE GOODS

Under and by virtue of the authority vested in me as President of the United States, and in order to remove any doubts which might otherwise exist and to insure the effective utilization of all existing productive facilities, it is hereby ordered that Executive Order No. 325A of May 18, 1905, be, and the same is hereby, suspended for the period of the war and for six months thereafter to the extent necessary to permit officers and agencies of the Federal Government charged with the purchase or procurement of articles necessary in the conduct of the war to procure, directly or indirectly, through any contractor or subcontractor or otherwise, articles of any kind produced in any Federal, State or territorial prison, provided such articles are not produced pursuant to any contract or other arrangement under which prison labor is hired out to, or employed or used by, any private person, firm or corporation.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
July 9, 1942.

[F. R. Doc. 42-6544; Filed, July 9, 1942;  
3:54 p. m.]

### EXECUTIVE ORDER 9197

#### TRANSFERRING CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF WAR FOR MILITARY PURPOSES SOUTH DAKOTA

WHEREAS certain lands within the hereinafter-described area in the State of South Dakota have been acquired, or are in process of acquisition, under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III

of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), in connection with the Bad Lands-Fall River Land Utilization Project of the Department of Agriculture; and

WHEREAS by Executive Order No. 7908 of June 9, 1938,<sup>1</sup> all the right, title, and interest of the United States in those lands acquired, or in the process of acquisition, under the authority of the aforesaid National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon the acquisition of legal title to those lands now in the process of acquisition the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands by the Secretary of War for military purposes would best carry out the land-conservation and land-utilization program for which such lands were acquired, and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that all lands within the following-described area acquired, or in process of acquisition, by the United States, together with the improvements thereon, be, and they are hereby, transferred to the Secretary of War for military purposes: *Provided, however* that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition:

#### FALL RIVER COUNTY, SOUTH DAKOTA

Beginning at the Northwest Corner of section 2, which is also the Northwest Corner

<sup>1</sup> 3 F.R. 1369.

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of Lot 4, section 2, T. 10 S., R. 1 E. Provo—Fall River County, South Dakota; thence East along the North line of sections 2 and 1, T. 10 S., R. 1 E. and continuing East along the North line of sections 6, 5, 4, 3, T. 10 S., R. 2 E. to the intersection of said line with the West right of way line of the C. B. & Q. R. R.; thence Southeasterly along the West right of way line of C. B. & Q. R. R. to the intersection of said line with the North-South Center line of section 11, T. 10 S., R. 2 E.; thence South along the North-South Center line of sections 11, 14, 23, to the center of section 26, T. 10 S., R. 2 E.; thence West along the East-West Center line of sections 26, 27, 28, and 29 to the West line of section 29, T. 10 S., R. 2 E.; thence South along the East line of sections 30, 31 to the Southeast Corner of section 31, T. 10 S., R. 2 E.; thence West to the Southwest Corner of section 35, T. 10 S., R. 1 E.; thence North along the West line of sections 35, 26, 23, 14, 11, and 2 to the point of beginning.

It is intended that the lands transferred by this order shall be returned to the Secretary of Agriculture, for use, administration, and disposition pursuant to Title III of the said Bankhead-Jones Farm Tenant Act, when they are no longer needed for military purposes.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

July 9, 1942.

[F. R. Doc. 42-6545; Filed, July 9, 1942; 3:54 p. m.]

### Regulations

#### TITLE 16—COMMERCIAL PRACTICES

##### Chapter I—Federal Trade Commission

[Docket No. 3695]

##### PART 3—DIGEST OF CEASE AND DESIST ORDERS

###### THE RENESOL CORPORATION, ET AL

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—*

*Safety.* In connection with offer, etc., of "Renesol" or other similar medicinal preparation, disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisement (1) represents, directly or through inference, that said preparation is not habit forming, or that it is safe or harmless; or (2) fails to reveal that the use of said preparation in excessive doses may result in serious injury to the physical and mental health of the user; prohibited, subject to provision, however, as respects said second prohibition, that such advertisement need contain only the statement, "Caution: Use Only As Directed", if and when the directions for use, wherever they appear on the label, in the labeling, or both, contain a warning to the above effect, and to further provision that such directions for use do not recommend dosage of said preparation in excess of that recommended in respondents' directions as revised during the trial of this case. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Renesol Corporation, et al., Docket 3695, July 6, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1942.

*In the Matter of The Renesol Corporation, a Corporation, and Maurice Goldberg and Charles Goldblatt, Individuals,*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, certain agreed facts, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before examiners of the Commission theretofore duly designated by it, report of the trial examiners and exceptions thereto, and briefs in support of and in opposition to the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent The Renesol Corporation, its officers, agents, representatives and employees, and respondents Maurice Goldberg and Charles Goldblatt, individuals, their representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the medicinal preparation designated "Renesol", or any other medicinal preparation which is substantially similar in composition or possesses substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in such commerce of the medicinal

preparation designated "Renesol", which advertisement:

(1) Represents, directly or through inference, that said preparation is not habit forming, or that it is safe or harmless; or

(2) Fails to reveal that the use of said preparation in excessive doses may result in serious injury to the physical and mental health of the user: *Provided, however,* That such advertisement need contain only the statement, "Caution: Use Only As Directed", if and when the directions for use, wherever they appear on the label, in the labeling, or both, contain a warning to the above effect: *And provided further,* That such directions for use do not recommend dosage of said preparation in excess of that recommended in respondents' directions as revised during the trial of this case.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6558; Filed, July 10, 1942;  
11:04 a. m.]

[Docket No. 4572]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

MANHATTAN BREWING COMPANY

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place.* In connection with offer, etc., in commerce, of respondent's beer and ale, and among other things, as in order set forth, (1) using any brand or trade name containing the word "Wisconsin" to describe or refer to any beer which is not brewed in the State of Wisconsin; and (2) representing in any manner that beer which is not brewed in Wisconsin is brewed in such state; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Manhattan Brewing Company, Docket 4572, July 6, 1942]

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of respondent's beer and

ale, and among other things, as in order set forth, (1) using any brand or trade name containing the word "Canadian" to describe or refer to any beer or ale which is not brewed in Canada; (2) representing in any manner that beer or ale which is not brewed in Canada is brewed in that country; (3) representing in any manner that beer or ale which is not imported beer or ale is imported beer or ale; and (4) using any pictorial representation which simulates in appearance the British Royal Coat of Arms; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Manhattan Brewing Company, Docket 4572, July 6, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent read into the record herein, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Manhattan Brewing Company, a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its beer and ale in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using any brand or trade name containing the word "Wisconsin" to describe or refer to any beer which is not brewed in the State of Wisconsin.

(2) Using any brand or trade name containing the word "Canadian" to describe or refer to any beer or ale which is not brewed in Canada.

(3) Representing in any manner that beer which is not brewed in Wisconsin is brewed in such state.

(4) Representing in any manner that beer or ale which is not brewed in Canada is brewed in that country.

(5) Representing in any manner that beer or ale which is not imported beer or ale is imported beer or ale.

(6) Using any pictorial representation which simulates in appearance the British Royal Coat of Arms.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6557; Filed, July 10, 1942;  
11:04 a. m.]

[Docket No. 4668]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

CLIMAX CLEANER MANUFACTURING COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j) (10) *Misbranding or mislabeling—Results.* In connection with offer, etc., in commerce, of respondent's "Climax Wall Paper Cleaner", or other similar product, (1) representing in any manner that respondent's product will not crumble when used for cleaning all types of wall paper; and (2) using the words "non-crumbling" or "crumbleless" or any other words or combination of words of similar import or meaning to designate or describe a wall paper cleaner which will crumble when used on certain types of wall paper; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Climax Cleaner Manufacturing Company, Docket 4668, July 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before James A. Purcell, a trial examiner of the Commission theretofore duly designated by it, which testimony consisted of a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent upon the record in lieu of testimony in support of the complaint and in opposition thereto, report of the trial examiner upon the evidence, and briefs in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, The Climax Cleaner Manufacturing Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of its product designated "Climax Wall Paper Cleaner," or any other product containing the same or similar ingredients, whether sold under the same name or any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing in any manner that respondent's product will not crumble when used for cleaning all types of wall paper;

(2) Using the words "non-crumbling" or "crumbleless" or any other words or combination of words of similar import

or meaning to designate or describe a wall paper cleaner which will crumble when used on certain types of wall paper.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order. By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 42-6559; Filed, July 10, 1942;  
11:04 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

[T.D. 50676]

#### PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

BURLINGTON (VT.) MUNICIPAL AIRPORT  
DESIGNATION AS AIRPORT OF ENTRY WITHOUT  
TIME LIMIT<sup>1</sup>

JULY 6, 1942.

The Burlington Municipal Airport, Burlington, Vermont, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), effective June 29, 1942. (Sec. 7 (b); 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-6539; Filed, July 9, 1942;  
2:05 p. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division

#### PART 622—MINIMUM WAGE RATE IN THE CIGAR INDUSTRY

In the matter of the recommendation of Industry Committee No. 37 for a minimum wage rate in the cigar industry.

Whereas, on November 21, 1941, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 131, appointed Industry Committee No. 37 for the Cigar Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Cigar Industry in accordance with section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Cigar Industry, and a like number of persons representing employees in the industry; and each group was appointed with due

regard to geographical regions in which the Cigar Industry is carried on; and

Whereas, on December 12, 1941, the Committee, after investigating economic and competitive conditions in the Cigar Industry, filed with the Administrator a report containing its recommendations for a 40 cent minimum hourly wage rate in the cigar manufacturing branch of the Cigar Industry and a 35 cent an hour minimum wage rate in the leaf processing branch of the Cigar Industry; and

Whereas, after notice published in the FEDERAL REGISTER on December 27, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on January 13 and 14, 1942, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, all persons appearing at said public hearing were given leave to submit written briefs on or before February 10, 1942; and

Whereas, oral argument was held on February 17, 1942, before Thomas W. Holland as the Administrator of the Wage and Hour Division, and oral reargument was held on April 1, 1942, before the present Administrator; and

Whereas, a transcript of the oral argument had before the former Administrator Holland on February 17, 1942, has been transmitted to the present Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in the proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the industry committee recommendation for the Cigar Industry, as defined by Administrative Order No. 131, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 37 for a Minimum Wage Rate in the Cigar Industry" dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York;

Now, therefore, it is ordered that:

§ 622.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 622.2 *Wage rate.* (a) Wages at a rate not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the cigar manufacturing branch of the Cigar Industry who is engaged in commerce or in the production of goods for commerce; and

(b) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the leaf processing branch of the Cigar Industry who is engaged in commerce or in the production of goods for commerce.

§ 622.3 *Posting of notice.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cigar manufacturing or leaf processing branches of the Cigar Industry shall post and keep posted in a conspicuous place in every department of such plant where such employees are working such notice of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 622.4 *Definition of industry.* For the purpose of this order the Cigar Industry is defined as consisting of:

(a) The cigar manufacturing branch of the Cigar Industry; and

(b) The leaf processing branch of the Cigar Industry, which are defined as follows:

(1) "The cigar manufacturing branch of the Cigar Industry" means the manufacture of cigars, from any types of tobacco.

The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

The manufacture of cigars from non-cigar types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation; and

(2) "The leaf processing branch of the Cigar Industry" means the preparation or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

The term "preparation" as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

§ 622.5 *Scope of the definition.* The definition of the Cigar Industry covers all occupations in the industry which are necessary to the production of cigars or to the preparation or marketing of cigar types of tobacco and scrap tobacco therefrom, including clerical, maintenance,

<sup>1</sup> This document affects the tabulation in 19 CFR 4.13.

and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 622.6 *Effective date.* This Wage Order shall become effective August 10, 1942.

Signed at New York this 8th day of July, 1942. §§ 622.1 to 622.6, inclusive, issued under the authority contained in sec. 8, 52, Stat. 1064; 29 U.S.C., Sup. IV, sec. 208.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-6556; Filed, July 10, 1942;  
10:37 a. m.]

#### PART 623—MINIMUM WAGE RATE IN THE TOBACCO INDUSTRY

In the matter of the recommendation of Industry Committee No. 38 for a minimum wage rate in the tobacco industry.

Whereas, on December 3, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 132, appointed Industry Committee No. 38 for the Tobacco Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Tobacco Industry in accordance with section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Tobacco Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Tobacco Industry is carried on; and

Whereas on December 17, 1941, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendations for 40-cent minimum hourly wage rates in the Tobacco Industry; and

Whereas after notice duly published in the FEDERAL REGISTER on December 27, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on January 19, 20 and 21, 1942, at which all interested persons

were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before March 11, 1942, and to present oral argument before me on March 17, 1942; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Committee's recommendations for the Tobacco Industry as defined by Administrative Order No. 132, are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 38 for Minimum Wage Rates in the Tobacco Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46 Street, New York, New York.

Now, therefore, it is ordered, That:

§ 623.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 623.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Tobacco Industry who is engaged in commerce or in the production of goods for commerce.

§ 623.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Tobacco Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 623.4 *Definition of the tobacco industry.* For the purpose of this order the term "tobacco industry" means the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from any types of tobacco; and the preparation or marketing (including wholesaling) of non-cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products, including cigars.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars including cheroots, stogies, and little cigars.

(b) the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from cigar types of leaf tobacco and scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed at the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making non-cigar leaf tobacco and the scrap tobacco therefrom suitable for sale or for use in the manufacture of all types of tobacco products including cigars whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It does not include sales operations that are customarily performed on the sales floor of loose leaf tobacco auction warehouses or the direct loading of tobacco off the floor of such warehouses for shipment. It includes the production of Black Fat, Water Baler, and Dark African. It includes, but not by way of limitation, the operations of grading, sorting, conditioning, redrying, stemming, packing and storing. It does not include, however, such preliminary processing of non-cigar types of tobacco and scrap tobacco therefrom as is performed in the manufacturing plant as an integral part of the manufacturing operations attending the production of cigars; nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

§ 623.5 *Scope of the definition.* The definition of the tobacco industry covers all occupations in the industry which are necessary to the production of the articles enumerated in the definition or to the preparation or marketing of non-cigar types of leaf tobacco and scrap tobacco therefrom, including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 623.6 *Effective date.* This Wage Order shall become effective August 10, 1942.

Signed at New York, New York, this 8th day of July, 1942. §§ 623.1 to 623.6, inclusive, issued under the authority contained in section 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-6556; Filed, July 10, 1942;  
10:37 a. m.]



## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter B—Division of Industry Operations

## PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 8 to Supplementary Order M-15-b-1]

Section 940.5 *Supplementary Order M-15-b-1* is hereby amended by substituting the attached list designated List 12 for List 12 now attached thereto.

This order shall take effect as of the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

## LIST 12

[Revised effective July 10, 1942]

*Specifications for the manufacture of insulated wire and cable.* No person shall consume rubber, latex or reclaimed or scrap rubber in the manufacture of insulated wire and cable enumerated below in subdivision (b) except in accordance with the specifications herein prescribed unless expressly exempted in paragraph (1) of subdivision (b) hereof.

Compounds and constructions specified herein in subdivisions (a) and (b) for insulated wire and cable shall be used to fill all orders, including war orders and orders placed by any department or agency of the United States Government, except as expressly exempted in paragraph (1) of subdivision (b) hereof.

## (a) Compounds

Use	Compound grade	Maximum percent by volume		Performance reference
		Crude rubber	Total RHC	
(1) Insulation.	W-A	55	65	Performance Type RP or ASTM-D-353-1941. ASTM-EA-D-353. ASTM-EA-D-574. N.E.C. grade-2/11/42. ASTM-EA-D-532.
	W-B	35	50	
	W-C	13	55	
	W-D	50	75	
(2) Jackets..				

(i) The total rubber hydrocarbon (RHC) is the sum total of the crude rubber and the rubber value of the reclaimed rubber expressed on a volume basis.

(ii) If the per cent by volume of crude rubber is reduced below the maximum specified, it is permissible to substitute an equivalent amount of rubber hydro-

carbon (RHC) in the form of reclaimed rubber, but in no case shall the specified maximum percentage of total rubber hydrocarbon (RHC) be exceeded.

(iii) The performance references are given for the purpose of guidance as to performance expectation and represent typical compounds, but they do not form a part of this Order.

## (b) Insulated wire and cable.

(1) *Exceptions.* The specifications hereinafter set forth need not be followed in the manufacture of insulated wire and cable of the following types:

(i) Submarine cable designed for communications, light and power.

(ii) Oil and gas well logging cable.

(iii) Military field communication wire, search light and fire control cable and Radar Detector Cable.

(iv) Cord and cable designed for naval shipboard use, aviation use or for use on guns or other weapons.

(v) Rubber-compound tape designed for splicing and terminal use with prod-

ucts listed in (i) (ii), (iii) and (iv) above.

(vi) Any other type of insulated wire and cable, provided the purchase order is accompanied by a certificate signed by a contracting or inspecting official of the Army, Navy, Maritime Commission or other governmental agency listed in subparagraphs (a) (4) (i) (aa) or (a) (4) (ii) of Supplementary Order No. M-15-b, as amended, certifying that the use of compounds specified by this Order is inadequate and that the use of the compounds specified by the purchase order is necessary for direct military or naval use.

(2) *Wire and cable.* Insulations and jackets of each of the classes of wire and cable listed below shall be made from one of the grades of compounds listed in subdivision (a) of this specification, the appropriate grade of compound to be used for insulation or jacket being that hereinbelow specified opposite the description or designation of such class.

Type of service	Outer covering	Operating voltage	Compounds for—	
			Insulation	Jacket
(i) Building wire, telephone drop wire, Police and Fire alarm Systems, and general service, designed for use in dry locations.	Fibrous or lead.	0-3000	W-C	None.
	Lead.	3001-5000	W-C	None.
	Fibrous.	8000-5000	W-B	None.
	Fibrous or lead.	5001 and over.	W-B	None.
(ii) For general service designed for use in wet locations.	Lead or impervious sheath.	0-3000	W-C	None.
	Lead or impervious sheath.	3001 and over.	W-B	None.
	Fibrous <sup>1</sup> .	All Voltages.	W-A	None.
	Fibrous or lead.	0-600	W-A	None.
(iii) For special service wire and cable designed for:	Fibrous, lead or impervious sheath.	All voltages.	W-A	None.
	(aa) Copper temperatures above 60° C.			
	(bb) Motor leads.			
	(cc) Severe mechanical conditions.			
(iv) Designed for portable Heavy Duty Service of the following kinds only:	(dd) High frequency communications.			
	(ee) Railway signal service.			
	(ff) Oil well exploration cable.			
	(gg) Shot fire cable, for use in gaseous mines as required by the U. S. Bureau of Mines.			
(v) Portable appliance service cords.	Fibrous <sup>2</sup> .	0-600	W-C	None.
(vi) Automotive ignition cable.	Fibrous.	All voltages.	W-B	None.

<sup>1</sup> Except that W-B compound may be used in the insulation of lead covered underground distributing telephone cables.

<sup>2</sup> Provided that a compound containing not more than 50% by volume of rubber hydrocarbon (RHC) obtained by the use of reclaimed rubber only, may be used as a jacket in the manufacture of PWP type cord.

\*For "Uni-insulation" the use of (W-A) compound is permitted in (ii) and (iii).

(3) *Cable tape.* Compounds for manufacturing cable tape shall contain no crude rubber and not more than 30% by volume of rubber hydrocarbon (RHC) obtained by use of reclaimed rubber, and shall be applied only to one face.

(4) *Grounded neutral conductor.* No rubber, latex, reclaimed or scrap rubber shall be used as insulation on wire designed for the grounded neutral conductor, known as the "identified" or "white" wire of a 0-600 V A-C wiring system, including the service drop and service, the mains, feeders and branch circuit conductors up to the final outlet, but not including portable heavy duty or portable appliance service cords listed in sub-

paragraphs (2) (iv) and (2) (v) above, nor the wires designed for lighting fixtures.

(5) *Jackets, belts and sheaths.* Rubber jackets, belts or sheaths shall not be used for mechanical protection in wire or cable except as provided in subparagraphs (2) (iv) and (2) (v) above.

(6) *Walls.* No insulated wire shall be manufactured or specified by any person with heavier walls than those provided by American Standards Association's standard; and required by the rating of the equipment serviced, except for non-leaded submarine cable.

(7) *Splicing tape and terminals.* Rubber compounds for splicing tape and

terminals shall conform to specifications set forth in List 16 attached to Order M-15-b-1, except that compounds designed for tape for the following uses may be manufactured in the same quality as the insulation specified:

- (i) For operating voltages in excess of 3000 volts.
- (ii) For cables to be used in wet locations.
- (iii) For operation at conductor temperatures of 70° C or higher.

[F. R. Doc. 42-6568; Filed, July 10, 1942; 11:54 a. m.]

#### PART 1049—INCANDESCENT AND FLUORESCENT LAMPS

[Amendment 2 to General Limitation Order L-28]

Section 1049.1 *General Limitation Order L-28*, Amendment No. 1 issued June 8, 1942, is hereby further amended in the following particulars:

Paragraphs (b) (4) and (b) (5) are hereby amended by inserting the words "of metal" immediately after the word "weight" wherever such word occurs.

Paragraph (b) (8) is hereby amended by striking out the words "lamp part, excluding bases," and substituting therefor "lamp leads, filament supports or terminals".

Paragraph (b) (10) is hereby amended by striking out the period at the end thereof and adding the following:

"or the Panama Canal."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-6569; Filed, July 10, 1942; 11:54 a. m.]

#### PART 1055—WOOL

[Amendment 2 to General Conservation Order M-73-a as amended April 27, 1942]

Section 1055.2 *General Conservation Order M-73-a*, as amended April 27, 1942 is hereby amended in the following respects:

(1) Paragraph (b) (4) is hereby amended to read as follows:

(4) "Boys" shall mean all clothing normally graded up and down from size 14, but shall not include sizes smaller than 7.

(2) Paragraph (b) (5) is hereby amended to read as follows:

(5) "Children's male)" shall mean boys' clothing falling between sizes 7 to 12, inclusive.

(3) Paragraph (c) (1) (viii) is hereby amended to read as follows:

(viii) A pleated, tucked or continuous waistband pair of trousers, except a con-

tinuous waistband trouser for children (male).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-6574; Filed, July 10, 1942; 11:56 a. m.]

#### PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Amendment 3 to General Limitation Order L-38]

Paragraph (b) *Definitions* of § 1071.1 *General Limitation Order L-38*, as amended, is hereby further amended by adding thereto the following subparagraph:

(9) "Other authorized channel of distribution" means any person (including a factory branch or subsidiary of a producer) engaged in the business of selling unused refrigerating and air conditioning equipment to dealers for resale. A factory branch or subsidiary of a producer shall be so included only if it is customarily billed in the same manner as are independent distributors by such producer, and if it was performing the functions of distributor for such producer as of May 15, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-6567; Filed, July 10, 1942; 11:54 a. m.]

#### PART 1166—FEMININE APPAREL FOR OUTER WEAR AND CERTAIN OTHER GARMENTS

[General Limitation Order L-85 as Amended]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, nylon, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1166.1 *General Limitation Order L-85—(a) Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject

\*7 F. R. 2722, 2942, 3771, 3893.

to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Additional definitions.* For the purposes of this order:

(1) "Feminine apparel" means:

(i) Outer wear for both sexes in infants' and toddlers' ranges 1 to 4.

(ii) Outer wear for both sexes in children's range sizes 2 to 6x.

(iii) All outer wear for misses, juniors and women.

(2) "Put into process" means the first cutting of cloth in the manufacture of any feminine apparel for sale, resale, or on commission, including but without being limited to the following: manufacturers to the trade, tailors, furriers, custom dressmakers, retailers and home dressmakers.

(3) "Wool cloth" means any cloth containing any percentage of new wool, reprocessed wool, or reused wool.

(4) "Coat" means any outer garment, made of cloth, usually worn over other outer apparel and shall include a cape and a topper, but shall not include a jacket.

(5) "Suit" means any garment consisting of a separate jacket and separate skirt of either matching or contrasting material to be sold at a unit price.

(6) "Two piece dress" means any garment consisting of a separate skirt and a top or jacket made to be sold together as one garment and at a unit price.

(7) "Daytime dress" means any dress other than an evening dress.

(8) "Evening dress" means a dress of floor or ankle length made for formal or semi-formal wear.

(9) "Skirt for evening wear" means a skirt of floor or ankle length made for formal or semi-formal wear.

(10) "Jacket" means a short coat of the type usually worn with a skirt or slacks or over other apparel, or used as a riding coat with riding breeches, jodhpurs, or a similar garment.

(11) "Legging set" means a combination of a coat and leggings or pants, of the type known as a "double duty outfit".

(12) "Snow suit" means a combination of a jacket and leggings or pants made for outdoor wear.

(13) "French cuff" means a cuff over a cuff, or a double cuff.

(14) "French facing" means a facing extending to the arm hole or beyond.

(15) "Topper" means a short box coat of not less than 30 inches in length.

(16) "Unlined" means, as applied to coats, toppers or jackets, without linings other than a shallow yoke lining and sleeve lining.

(17) "Patch pocket" means a pocket made by superimposing a patch of cloth upon the body cloth of a garment.

(18) "Sweep" means the maximum circumference of a garment.

(19) "Measurements"—unless otherwise stated, particular measurements set

forth in this order shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment, as follows:

(i) All measurements for length of daytime dresses, coats, and jackets are to be from the nape of the neck to bottom of finished garment. No skirt of a two-piece dress shall exceed its maximum specified length at any point in its circumference and no skirt of a one-piece dress shall exceed its maximum specified length by more than one-half inch at any point in its circumference.

(ii) All measurements for length of separate skirts and suit skirts for all sizes and ranges are to be from the top of the waistband at center back to the bottom of finished garment. No skirt shall exceed its maximum length at any point in its circumference.

(iii) All measurements for evening dresses are to be taken from the center of the hollow of the neck to the end of the finished garment in front. No evening dress shall exceed its maximum specified length by more than two inches at any point in its circumference.

(iv) All measurements for sleeve circumference are to be made at bottom of finished sleeve or at part attached to cuff.

(20) All weights of wool cloth in ounces are based on the standard yards of women's wear woolen or worsted fabrics approximately 54" in width.

(21) Unless otherwise expressly defined, all trade terms shall have their usual and customary trade meanings.

(c) *General provisions with respect to finished garments.* Except as provided in paragraph (m) (1), the prohibitions and restrictions of this order shall not apply to articles of feminine apparel, the cloth for which was put into process prior to:

(1) April 9th, 1942 for wool cloth garments.

(2) April 9th, 1942 for fall and winter garments.

(3) June 19th, 1942 for summer garments, or to articles of feminine apparel in existence on that date, or to second-hand articles of feminine apparel.

(d) *General exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Infants' and toddlers' apparel:

(i) Made of silk, rayon, cotton, linen and mixtures thereof in sizes 1 to 4.

(ii) Made of wool cloth in sizes 1 to 2.

(iii) Made of wool cloth in sizes 3 and 4, except that the provisions of paragraph (i) (2) shall apply.

(2) Bridal gowns.

(3) Maternity dresses.

(4) Feminine apparel for persons of heights of 5 feet 8½ inches or over, without shoes, of abnormal size, or with physical deformities, but only to the extent that it is necessary to use in such clothing additional material for proportionate length, sweep, and width.

(5) Burial gowns.

(6) Robes and vestments as required by the rules of religious orders and sects and the judiciary.

(7) Historical costumes for theatrical productions: *Provided, however,* That no

feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purpose other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order applicable to such other use.

(8) Feminine apparel manufactured for or sold to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, War Shipping Board or the Office of Scientific Research.

(9) Feminine apparel manufactured in foreign countries and imported and received in customs in the United States prior to June 1, 1942.

(10) Uniforms for commissioned officers of the United States Army and Navy or the United States Public Health Service.

(e) *General restrictions on manufacture and sale of all feminine apparel.*

(1) No person shall put into process any cloth for the manufacture of, or sell or deliver, any feminine apparel:

(i) With French cuffs on sleeves.

(ii) With double material back yokes except:

(a) Knitted fabrics with double material back yokes the under parts of which are not made of wool cloth.

(b) In nurses' uniforms.

(iii) With balloon, dolman or leg-of-mutton sleeves.

(iv) Made of fabrics which have been reduced from normal width or length by tucking, pleating, or shirring, except:

(a) Feminine apparel made of fabric so reduced by air-tucking by not more than 10%.

(b) Skirts, the fabrics of which before being so reduced did not exceed the maximum measurements for sweep of such skirts herein prescribed.

(c) Feminine apparel with only minor trimmings of such fabrics.

(v) With inside pockets of wool cloth.

(vi) With patch pockets of wool cloth on a lined wool garment.

(vii) With pocket flaps on any patch pockets on a wool cloth garment.

(viii) With interlinings containing any virgin wool, or reprocessed, or re-used wool of commercially spinnable length made from cloth woven on or after April 9, 1942.

(ix) With French facings.

(x) With a vestee or dickey of wool cloth.

(xi) With a lining known as a bodice attached to any skirt.

(xii) Made of wool cloth with a wool cloth lining.

(2) No person shall sell or deliver more than two articles of feminine apparel at a unit price, or any articles of feminine apparel at a unit price which cannot be purchased from the manufacturer thereof at a unit price.

(3) No person shall change any manufactured size marking to denote a different size or a different size range.

(f) *Curtailment on coats and raincoats—*(1) *Cloth coats and raincoats.*—(1) *Cloth coats and raincoats.* No person shall sell or deliver, or put any cloth into process for the manufacture

for sale and delivery of any women's, misses', or junior misses' cloth coat or raincoat:

(i) With an attached cape, hood, muff, scarf, bag, or hat, or with a separate cape, hood, muff, scarf, bag, skirt, slack, or hat, at a unit price.

(ii) Exceeding the measurements for length and sweep prescribed in Schedule A attached hereto.

(iii) With a belt wider than 2 inches.

(iv) With sleeves:

(a) Cut on the bias of a plaid material, except a set in sleeve.

(b) With wool cloth cuffs.

(c) With inside facings exceeding 2 inches.

(v) For evening wear made of or lined with wool cloth.

(vi) With wool cloth lining under any fur trimmings, unless such wool lining is an integral part of the body of the coat.

(2) *Fur coats.* No person shall sell or deliver, or put any cloth into process for the manufacture of for sale or delivery of, any fur coat with a cloth lining exceeding in sweep 64 inches for a box coat, or 74 inches for a fitted coat, for a size 16, the maximum measurements for sweep of other sizes to be 2 inches more for each full larger size and 2 inches less for each full smaller size; or exceeding in length the measurements prescribed for lengths of cloth coats of the same type in Schedule A attached hereto.

(g) *Curtailment on women's, misses' and junior misses' dresses.* No person shall sell or deliver, or put any cloth into process for the manufacture for sale or delivery of, any:

(1) Daytime dress:

(i) Of one or two pieces, with an attached bolero, hood, cape, shawl, or scarf, or with a separate jacket, coat, cape, bolero, hood, shawl, scarf, or vest, at a unit price.

(ii) Of two pieces, with a jacket or top exceeding in length the measurements prescribed therefor in Schedule B attached hereto.

(iii) With a petticoat, overskirt or apron.

(iv) With a belt or sash exceeding 2 inches in width.

(v) With long sleeves with wool cuffs.

(vi) With a hem exceeding 2 inches in width.

(vii) Made of wool cloth weighing 9 ounces or less, or material other than wool cloth exceeding in length or sweep the measurements prescribed therefor in Schedule C attached hereto.

(viii) Made of wool cloth weighing more than 9 ounces exceeding in length the measurements prescribed therefor in Schedule C attached hereto, or in sweep the measurements prescribed therefor in Schedule E attached hereto.

(ix) With three quarters or full length sleeves exceeding in circumference the measurements prescribed therefor in Schedule C attached hereto.

(2) Evening dresses:

(i) With an attached jacket, shawl, fichu, cape, bolero, scarf, or hood, or with a separate bolero, jacket, shawl, fichu, cape, scarf, hood, or handkerchief at a unit price.



(ii) Of two pieces, with a jacket or top exceeding in length the measurements prescribed therefor in Schedule B attached hereto.

(iii) Made of non-transparent material (including velvet) and exceeding in sweep or length the measurements prescribed therefor in Schedule D attached hereto.

(iv) With an overskirt or an apron.

(v) With a belt or sash exceeding 2 inches in width.

(vi) With three-quarters or full length sleeves exceeding in circumference the measurements prescribed therefor in Schedule C attached hereto.

(vii) With a hem exceeding 2 inches in width.

(viii) Made of non-transparent material (including velvet) with an attached slip, or a separate slip at a unit price.

(ix) Made of wool cloth.

(h) *Curtailment on women's, misses' and junior misses' suits, jackets, skirts, culottes, blouses, slacks and playclothes.* No person shall sell or deliver, or put any cloth into process for the manufacture for sale and delivery of, any women's, misses' or junior misses':

(1) Suits:

(i) The jacket of which does not conform to the provisions of subparagraph (2) of this paragraph (h).

(ii) With an attached coat, blouse, or vest, or with a separate coat, blouse or vest at a unit price.

(iii) With a skirt exceeding in length or sweep the measurements prescribed therefor in Schedule P attached hereto.

(iv) With a skirt with a hem exceeding 2 inches in width.

(v) With a skirt with a belt or suspenders at a unit price.

(2) Jackets:

(i) Exceeding in length the measurements prescribed therefor in Schedule B attached hereto.

(ii) With a hem exceeding 1½ inches in width.

(iii) With a bi-swing back, vented back, pleated back, or Norfolk style back.

(iv) With a belt, except jackets cut through at the waist and having inserted belts, at a unit price.

(v) With sleeves:

(a) Cut on the bias of a plaid material, except a set in sleeve.

(b) With wool cloth cuffs.

(c) With inside facings exceeding 2 inches.

(vi) With an attached hood, cape, scarf, muff, bag, hat, shawl, or vest, or with a separate hood, coat, cape, scarf, muff, bag, hat, shawl, or vest, at a unit price.

(3) Separate skirts or culottes:

(i) Exceeding in length or sweep the measurements prescribed therefor in Schedule E attached hereto, except as provided in (ii) below.

(ii) For evening wear, made of non-transparent material and exceeding in length or sweep the measurements prescribed therefor in Schedule D attached hereto.

(iii) With a hem exceeding 2 inches.

(iv) With a belt or suspenders at a unit price.

(v) For evening wear, made of wool cloth.

(4) Blouses:

(i) With an attached hood, shawl, or scarf, or with a separate hood, shawl, or scarf, at a unit price.

(ii) With more than one patch pocket.

(iii) With three-quarters or full length sleeves exceeding in circumference the measurements prescribed therefor in Schedule H attached hereto.

(iv) Exceeding in overall length the measurements prescribed therefor in Schedule H attached hereto.

(v) With sleeves exceeding in underarm length the measurements prescribed therefor in Schedule H attached hereto.

(5) Slacks:

(i) Exceeding in overall outseam length or bottom widths the measurements prescribed therefor in Schedule F attached hereto.

(ii) With patch pockets.

(iii) With flaps on pockets.

(6) Slack suits or ski suits with jackets or tops that do not conform to the provisions of subparagraph (2) of this paragraph (h).

(7) Slacks, riding breeches, jodhpurs, ski suits, overalls or coveralls, with an attached hat, bag, scarf, hood, shawl, belt, or shoes, or with a separate hat, bag, scarf, hood, shawl, belt, or shoes at a unit price.

(8) Slacks, riding breeches, jodhpurs, ski pants, play suits, overalls, or coveralls, with a cuff.

(9) Play suits:

(i) Of more than two units, at a unit price.

(ii) With a skirt which does not conform to the provision of subparagraph (3) of this paragraph (h).

(iii) With an attached hat, scarf, hood, shawl, or shoes or with a separate hat, scarf, hood, shawl or shoes at a unit price.

(10) Ski pants:

(i) Exceeding in outseam overall length or bottom width the measurements prescribed therefor in Schedule G attached hereto.

(ii) With attached bib or suspenders, or separate bib or suspenders at a unit price.

(i) *Curtailment on teen age, girls' and children's dresses, coats, snow and ski suits, skirts, jackets, slacks, playclothes, and rainwear.* No person shall sell or deliver, or put into process any cloth for the manufacture for sale and delivery of, any teen age, girls', or children's:

(1) Dresses:

(i) Of one or two pieces with attached jacket, redingote, coat, cape, pants, or bolero or a separate jacket, redingote, coat, cape, pants or bolero at a unit price.

(ii) Of two pieces, with a jacket or top exceeding in length the measurements prescribed therefor in Schedule I attached hereto.

(iii) With an attached hood, shawl, or scarf, or a separate hood, shawl, or scarf at a unit price.

(iv) Exceeding in length, sweep, or hem the measurements prescribed therefor in Schedule J attached hereto.

(v) With a petticoat, overskirt or apron, or pinafore.

(vi) With a belt or sash exceeding 2 inches in width.

(vii) With suspenders exceeding in width 1½ inches.

(2) Coats:

(i) With attached cape, hood, scarf, muff, cap, helmet, hat, bag, skirt, gloves, or mittens, or a separate cape, hood, scarf, muff, cap, helmet, hat, bag, skirt, gloves, or mittens, at a unit price.

(ii) Of teen age sizes 10 to 16 with pants or leggings, at a unit price.

(iii) Exceeding in length or sweep the measurements prescribed therefor in Schedule K attached hereto.

(iv) With a hem exceeding 2 inches in width.

(v) With a belt exceeding 2 inches in width.

(vi) With sleeves:

(a) Cut on the bias of a plaid material, except a set in sleeve.

(b) With wool cloth cuffs.

(c) With inside facings exceeding 2 inches.

(vii) With wool cloth lining under any fur trimmings, unless such wool lining is an integral part of the body of the coat.

(3) Jackets:

(i) Exceeding in length or hem the measurements prescribed therefor in Schedule I attached hereto.

(ii) With a bi-swing, vented, pleated, or Norfolk style back.

(iii) With a belt, except jackets cut through at the waist and having inserted belts, at a unit price.

(iv) With a hem exceeding 2 inches.

(v) With sleeves:

(a) cut on the bias of a plaid material, except a set-in sleeve.

(b) with wool cloth cuffs.

(c) with inside facings exceeding 2 inches.

(vi) With an attached hood (except collarless mackinaws or ski jackets), muff, mittens, hat, bag, scarf, cap, shawl, or vest, or with a separate hood, muff, mittens, hat, bag, scarf, cap, shawl, or vest, at a unit price.

(4) Skirts:

(i) Exceeding in length or sweep the measurements prescribed therefor in Schedule L attached hereto.

(ii) With a hem exceeding 2 inches in width.

(iii) Of wool cloth with a wool cloth lining.

(iv) Of teen age sizes, with attached suspenders, or separate suspenders at a unit price.

(v) With a belt, hood, muff, mittens, hat, bag, scarf, cap, shawl, or vest, at a unit price.

(5) Suits:

(i) Of more than two pieces, at a unit price.

(ii) With an attached cape, blouse, or vest, or a separate coat, cape, blouse, or vest, at a unit price.

(iii) The jacket of which does not conform to the provisions of subparagraph (3) of this paragraph (i).

(iv) The skirt of which does not conform to the provisions of subparagraph (4) of this paragraph (i).

(6) Culottes:

(i) Which do not conform to the provisions of subparagraph (4) of this paragraph (1).

(7) Rainwear:

(i) Coats or capes:

(a) With permanently attached hood for sizes larger than girls' size 14.

(b) With a collar and a permanently attached hood.

(c) With a detachable hood.

(d) With an attached scarf, hat, bag, skirt, slacks, leggings, pants, mittens, or cap, or a separate hood, scarf, hat, bag, skirt, slacks, leggings, mittens or cap, at a unit price.

(ii) Coats and jackets which do not conform to the provisions of subparagraph (2) and (3) of this paragraph (1).

(8) Snow and ski suits:

(i) With a collar and an attached hood.

(ii) With a detachable hood.

(iii) With an attached cape, muff, scarf, bag, hat, coat, or mittens, or a separate hood, cape, muff, scarf, bag, hat, coat, or mittens, at a unit price.

(iv) With a belt exceeding 2 inches.

(v) With more than one pair of pants or leggings.

(vi) The jacket of which does not conform to the provisions of subparagraph (3) of this paragraph (1).

(vii) Of more than 2 units, at a unit price.

(9) Slacks and slack suits:

(i) Exceeding restrictions and prohibitions applicable to jackets and snow and ski suits.

(ii) Exceeding in overall outseam length or bottom width the measurements prescribed therefor in Schedule M attached hereto.

(iii) With patch pockets.

(iv) With flaps on pockets.

(v) Of teen age sizes, with attached suspenders, or separate suspenders at a unit price.

(10) Slacks, riding breeches, jodhpurs, ski pants, play suits, overalls or coveralls with a cuff.

(11) Slacks, riding breeches, jodhpurs, or coveralls, with an attached hat, bag, scarf, hood, shawl, belt, or shoes, or a separate hat, bag, scarf, hood, shawl, belt, or shoes, at a unit price.

(12) Playsuits:

(i) Exceeding restrictions and prohibitions applicable to jackets, skirts, and snow and ski suits.

(ii) With an attached hat, bag, scarf, hood, shawl or shoes, or a separate hat, bag, scarf, hood, shawl or shoes, at a unit price.

(j) *Curtailment on nurses' uniforms.* No person shall sell or deliver or put any cloth into process for the manufacture of for sale and delivery of, any:

(1) Nurses' uniforms:

(i) Exceeding in length or sweep the measurements prescribed therefor in Schedule N attached hereto.

(ii) With a hem exceeding 3 inches in width.

(iii) With a belt exceeding 2 inches in width.

(2) Maids' uniforms:

(i) Exceeding in length or sweep the measurements prescribed therefor in Schedule O attached hereto.

(ii) With a hem exceeding 2 inches in width.

(iii) With a belt exceeding 2 inches in width.

(k) *Reports and records.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. The certificates required under paragraph (m) shall be retained by the vendee for a period of one year after receipt.

(l) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool, silk, rayon, cotton, nylon, and linen conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegraph, Reference Order L-85, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(m) *Certificate.* (1) Any person making sales or deliveries to persons other than ultimate consumers, of any articles of feminine apparel in existence on, or the cloth for which was put into process prior to the effective date of this order, except second-hand articles, shall attach to the purchaser's copy of invoice for such feminine apparel, a certificate signed by an individual authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine apparel covered by our invoice No. \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ were in existence or the cloth for same was put into process prior to the effective date of General Limitation Order L-85, as amended.

\_\_\_\_\_ by \_\_\_\_\_  
Name of Seller Authorized Individual

(2) Any person putting cloth into process for the manufacture of any feminine apparel after the effective date of this order, shall endorse upon, or attach to the purchaser's copy of invoice for such feminine apparel sold by him, a certificate signed by an individual authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine apparel covered by our invoice No. \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ have been manufactured and are being sold in accordance with the provisions of General Limitation Order L-85, as amended.

\_\_\_\_\_ by \_\_\_\_\_  
Name of Seller Authorized Individual

(3) Any jobber, wholesaler, and other person making sales or deliveries to persons other than ultimate consumers of articles of feminine apparel which he did not manufacture, except apparel in existence or put into process prior to

the effective date of this order, shall endorse upon, or attach to the purchaser's copy of invoice for feminine apparel sold by him, a certificate in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine apparel covered by our invoice No. \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ were purchased by us from a manufacturer who furnished us with a certificate stating that they had been manufactured and sold in accordance with the provisions General Limitation Order L-85, as amended and we have no reason to believe that the said manufacturer's certificate is false in any respect, and our sale to you is in accordance with all of the provisions of the said order, with the terms of which we are familiar.

\_\_\_\_\_ by \_\_\_\_\_  
Name of Seller Authorized Individual

(4) Any person ordering feminine apparel for an ultimate consumer of unusual height or abnormal size shall attach to the order for such feminine apparel to the manufacturer thereof, a certificate signed by an individual authorized to sign for such person in substantially the following form:

The undersigned hereby certifies to his manufacturer and to the War Production Board that the articles of feminine apparel covered by our order No. \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ are ordered for a person of unusual height \_\_\_\_\_ or abnormal size \_\_\_\_\_.

\_\_\_\_\_ by \_\_\_\_\_  
Name of Buyer Authorized Individual

(5) Any person making sales or deliveries to ultimate consumers of any articles of feminine apparel made for a person of unusual height or abnormal size shall attach to the purchaser's copy of sales ticket for such feminine apparel, a certificate signed by an individual authorized for such person, in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine apparel covered by our sales check No. \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ were made for a person of unusual height \_\_\_\_\_ or abnormal size \_\_\_\_\_ as defined by the War Production Board Order L-85, as amended.

\_\_\_\_\_ by \_\_\_\_\_  
Name of Seller Authorized Individual

(n) *Violation.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

SCHEDULE A—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES' COATS AND CAPES, DAYTIME AND EVENING

Misses' sizes	10	12	14	16	18	20
Length box coat	40½	41	41½	42	42½	43
Sweep box coat	63	67	69½	70	71½	73
Length fitted coat	41½	42	43	43½	44	44½
Sweep fitted coat	66	67	68½	70	71½	73
Hem	2	2	2	2	2	2
Junior misses' sizes	0	11	13	15	17	19
Length box coat	39½	39½	40	40½	41	41½
Sweep box coat	66	67	68½	70	71½	73
Length fitted coat	40	40½	41	41½	42	42½
Sweep fitted coat	66	67	68½	70	71½	73
Hem	2	2	2	2	2	2
Little women's sizes (short)	14½	16½	18½	20½	22½	24½
Length box coat	41½	42	42½	43½	44½	45½
Sweep box coat	66	67	68½	70	71½	73
Length fitted coat	42½	43	44	45	46	47
Sweep fitted coat	70	72	74	76	78	80
Hem	2	2	2	2	2	2
Women's regular sizes	30	33	36	39	42	45
Length box coat	43½	44	44½	45½	46½	47½
Sweep box coat	63	64	65	66	67	68
Length fitted coat	44½	45	46	47	48	49
Sweep fitted coat	72	74	76	78	80	82
Hem	2	2	2	2	2	2
Women's cout sizes	33½	36½	39½	42½	45½	48½
Length box coat	44½	45	46	47	48	49
Sweep box coat	64	65	66	67	68	69
Length fitted coat	45½	46	47	48	49	50
Sweep fitted coat	74	76	78	80	82	84
Hem	2	2	2	2	2	2

SCHEDULE A—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES' COATS AND CAPES, DAYTIME AND EVENING—Continued.

Women's odd sizes.....	35	37	39	41	43	45	47	49	51
Length box coat.....	44½	44½	45	45½	46	46	46	46½	47
Sweep box coat.....	63	64	66	68	70	72	74	76	78
Length fitted coat.....	45½	46½	47	48	49	49	49	49½	48
Sweep fitted coat.....	72	74	76	78	80	82	84	86	88
Hem.....	2	2	2	2	2	2	2	2	2

SCHEDULE B—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS WOMEN'S, MISSES' AND JUNIOR MISSES' SEPARATE AND SIMULATED JACKETS OR TOPS									
Misses' sizes.....	10	12	14	16	18	20			
Length.....	23½	24½	24½	25	25½	26½			
Hem.....	1½	1½	1½	1½	1½	1½			

Junior misses' sizes.....	0	11	13	15	17
Length.....	22	23	23½	24½	25½
Hem.....	1½	1½	1½	1½	1½

Little women's sizes (short).....	14½	16½	18½	20½	22½	24½	26½
Length.....	24½	25	25½	26½	27	28½	30½

Women's regular sizes.....	30	33	40	42	44	46	48	50
Length.....	25½	26	26½	27	27½	28½	29½	30½

Women's cout sizes.....	33½	36½	40½	42½	44½	46½	48½	50½	52½
Length.....	26	26½	27	27½	28½	29½	30½	31½	32½

Women's odd sizes.....	23	27	29	41	43	45	47	49	51
Length.....	23	23½	24½	25½	26½	27½	28½	29½	30½

All hems on cult jackets or separate jackets not to exceed 1½ inch.



**SCHEDULE E--MAXIMUM MEASUREMENTS FOR ALL SIZES AND RANGES, VARIOUS WOMEN'S, MISSES' AND JUNIOR MISSES' SKIRTS AND OULOTTES**

Misses' skirts	10	12	14	16	18	20
Length, including waistband	29 1/4	27 1/4	27 3/4	28	28 1/4	28 3/4
Sweep, wool cloth more than 9 oz.	60	61	62 1/4	64	65 1/4	67
Sweep, all fabrics and wool cloth not more than 9 oz.	70	77	78 1/2	81	82 1/2	84
Hem	2	2	2	2	2	2

  

Junior misses' sizes	0	11	13	15	17	19
Length, including waistband	20	20 1/4	27	27 1/4	27 1/2	28
Sweep, wool cloth more than 9 oz.	60	61	62 1/4	64	65 1/4	67
Sweep, all fabrics and wool cloth not more than 9 oz.	77	78	79 1/2	81	82 1/2	84
Hem	2	2	2	2	2	2

  

Women's regular sizes	30	33	40	42	44	46	48	52
Length, including waistband	29 1/4	29	29 3/4	29 3/4	29 3/4	30	30	30
Sweep, wool cloth more than 9 oz.	60	63	70	72	74	78	80	82
Sweep, all fabrics and wool cloth not more than 9 oz.	81	83	85	87	89	91	93	97
Hem	2	2	2	2	2	2	2	2

**SCHEDULE F--MAXIMUM OUTSEAM OVERALL LENGTH INCLUDING WAISTBAND AND TURN-UP, WOMEN'S, MISSES' AND JUNIOR MISSES' SLACKS**

Misses' slacks	10	12	14	16	18	20
Length, wool cloth	43	43 1/4	44 1/4	44 1/2	44 3/4	45 1/4
Bottom width, wool cloth	18	18 1/2	19	19 1/2	19 3/4	20
Length, other than wool cloth	43 1/4	44 1/2	45 1/4	45 3/4	46 1/4	46 3/4
Bottom width, other than wool cloth	18 1/2	19	19 1/2	19 3/4	20	20 1/4

  

Junior misses' slacks	0	11	13	15	17
Length, wool cloth	42 1/2	43 1/4	43 3/4	44	44 1/4
Bottom width, wool cloth	18	18 1/2	19	19 1/2	19 3/4
Length, other than wool cloth	43 1/4	44 1/2	45 1/4	45 3/4	46 1/4
Bottom width, other than wool cloth	18 1/2	19	19 1/2	19 3/4	20

  

Women's regular slacks	28	33	40	42	44	46	48
Length, wool cloth	42 1/4	42 3/4	43 1/4	43 3/4	44	44 1/4	44 3/4
Bottom width, wool cloth	20	21	22	22 1/2	23	23 1/2	24
Length, other than wool cloth	43 1/4	44 1/2	45 1/4	45 3/4	46 1/4	46 3/4	47 1/4
Bottom width, other than wool cloth	20 1/2	21 1/2	22 1/2	23	23 1/2	24	24 1/2

**SCHEDULE G--MAXIMUM OUTSEAM, OVERALL LENGTH INCLUDING WAISTBAND AND TURN-UP FOR WOMEN'S, MISSES' AND JUNIOR MISSES' SKI AND SNOW PANTS**

Misses' slacks	10	12	14	16	18	20
Length	41	41 1/4	42	42 1/4	42 3/4	43
Bottom width	13 1/4	14	14 1/4	15	15 1/4	16

  

Women's slacks	30	33	40	42
Length	43 1/4	44	44 1/4	45
Bottom width	10 1/4	10 1/2	10 3/4	11

**SCHEDULE H--MAXIMUM OVERALL LENGTH FROM THE NAPE OF NECK INCLUDING TURN-UP FOR WOMEN'S, MISSES' AND LADIES' BLOUSES**

Misses' and ladies' sizes	32	34	36	38	40	42	44	46
Body length, including hem	22 1/4	22 1/4	23	23 1/4	23 1/4	23 1/4	24 1/4	24 1/4
Underarm sleeve length	18 1/2	19	19 1/4	19 1/2	19 1/2	19 1/2	20 1/4	20 1/4
Sleeve circumference	14	14 1/2	15	15 1/2	16	16 1/2	17	17 1/2

Note: Sleeve circumference at bottom of finished sleeve or part attached to cuff.

**SCHEDULE I--MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS CHILDREN'S, GIRLS' AND TEEN AGE JACKETS AND TOPS FOR SEPARATES, SUITS AND SNOW WEAR**

Children's sizes	3	4	5	6	0X
Length for separates and suits	10 1/2	10 1/2	11 1/2	11 1/2	12 1/2
Length for snow wear	10 1/2	10 1/2	11 1/2	11 1/2	12 1/2
Hem	2	2	2	2	2

  

Girls' sizes	7	8	10	12	14
Length for separates and suits	18 1/4	19	20	20 1/4	20 3/4
Length for snow wear	18 1/4	19	20	20 1/4	20 3/4
Hem	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2

  

Teen age sizes	10	12	14	16
Length for separates and suits	22 1/2	23	23 1/2	24 1/4
Length for snow wear	22 1/2	23	23 1/2	24 1/4
Hem	1 1/2	1 1/2	1 1/2	1 1/2



SCHEDULE K—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS CHILDREN'S, GIRLS' AND TEEN AGE COATS AND CAPES

Children's sizes	3	4	5	6	6X
Length.....	19	21	23	25	26
Sweep (coat only).....	48	49	50	51½	52½
Length (legging set only).....	19	21	23	25	26
Sweep (legging set only).....	50	51	52	53½	54½
Hem.....	2	2	2	2	2

  

Girls' sizes	7	8	9	10	10
Length.....	28	30	31	31	32
Sweep (legging set only).....	60	61	62	62	63
Hem.....	2	2	2	2	2

  

Girls' sizes	7	8	9	10	12	14
Length box coat.....	28	30	31	32	34	36
Sweep box coat.....	48	49	50	51	52½	53
Length fitted coat.....	28	30	31	32	34	36
Sweep fitted coat.....	58	59	60	61	62	63
Hem.....	2	2	2	2	2	2

  

Girls' stout sizes (chubbies)	7½	8½	10½	12½	14½
Length box coat.....	28	30	32	34	36
Sweep box coat.....	58	59	60	61	62
Length fitted coat.....	28	30	32	34	36
Sweep fitted coat.....	68	69	70	71	72
Hem.....	2	2	2	2	2

  

Teen age stout sizes (chubbies)	10½	12½	14½	16½	18½
Length box coat.....	38	39	40	41	42
Sweep box coat.....	58	59	60	61	62
Length fitted coat.....	38	39	40	41	42
Sweep fitted coat.....	67	68	69	70	71
Hem.....	2	2	2	2	2

SCHEDULE J—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS CHILDREN'S, GIRLS' AND TEEN AGE DRESSES

Children's sizes	3	4	5	6	6X
Daytime lengths, all fabrics.....	19	21	23	25	26
Daytime sweep, wool cloth.....	55	56	57	58	59½
Daytime hem, wool cloth.....	3	3	3	3	3
Daytime sweep, other than wool cloth.....	55	56	57	58	59½
Daytime hem, other than wool cloth.....	3½	3½	3½	3½	3½
Evening lengths, all fabrics.....	33	34	35	36	37
Evening sweep, all fabrics.....	80	80	80	80	80
Evening hem.....	1	1	1	1	1

  

Girls' sizes	7	8	10	12	14
Daytime lengths, all fabrics.....	27½	29	31	34	36
Daytime sweep, wool cloth.....	64	65	66	67	68
Daytime hem, wool cloth.....	3	3	3	3	3
Daytime sweep, other than wool cloth.....	64	65	66	67	68
Daytime hem, other than wool cloth.....	3½	3½	3½	3½	3½
Evening lengths, all fabrics.....	44	46	48	50	52
Evening sweep, all fabrics.....	120	120	120	120	120
Evening hem.....	1	1	1	1	1

  

Girls' stout sizes (chubbies)	7½	8½	10½	12½	14½
Daytime lengths, all fabrics.....	27½	29	31	34	36
Daytime sweep, wool cloth.....	70	71	72	73½	75
Daytime hem, wool cloth.....	3	3	3	3	3
Daytime sweep, other than wool cloth.....	70	71	72	73½	75
Daytime hem, other than wool cloth.....	3½	3½	3½	3½	3½
Evening lengths, all fabrics.....	44	46	48	50	52
Evening sweep, all fabrics.....	120	120	120	120	120
Evening hem.....	1	1	1	1	1

  

Teen age sizes	10	12	14	16
Daytime lengths, all fabrics.....	38½	40	40½	41
Daytime sweep, wool cloth.....	67	68	69	70
Daytime hem, wool cloth.....	2	2	2	2
Daytime sweep, other than wool cloth.....	67	68	69	70
Daytime hem, other than wool cloth.....	2	2	2	2
Evening lengths, all fabrics.....	56	56½	56½	57
Evening sweep, all fabrics.....	144	144	144	144
Evening hem.....	1	1	1	1

  

Teen age stout sizes (chubbies)	10½	12½	14½	16½
Daytime lengths, all fabrics.....	38½	40	40½	41
Daytime sweep, wool cloth.....	72	73	74	75
Daytime hem, wool cloth.....	2	2	2	2
Daytime sweep, other than wool cloth.....	72	73	74	75
Daytime hem, other than wool cloth.....	2	2	2	2
Evening lengths, all fabrics.....	56	56½	56½	57
Evening sweep, all fabrics.....	144	144	144	144
Evening hem.....	1	1	1	1

SCHEDULE L—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS CHILDREN'S, GIRLS' AND TEEN AGE SKIRTS

Children's sizes	3	4	5	6	6X
Length, including waistband	13	14	15	16	16½
Sweep, wool cloth, more than 0 oz.	48	50	52	54	56
Sweep, all fabrics and wool cloth not more than 0 oz.	48	50	52	54	56
Item	2	2	2	2	2

  

Girls' sizes	7	8	10	12	14
Length, including waistband	18½	19	20	22	24
Sweep, wool cloth, more than 0 oz.	60	62	64	66	68
Sweep, all fabrics and wool cloth not more than 0 oz.	60	62	64	66	68
Item	2	2	2	2	2

  

Girls' stout sizes (chubbies)	7½	8½	10½	12½	14½
Length, including waistband	18½	19	20	22	24
Sweep, wool cloth, more than 0 oz.	60	62	64	66	68
Sweep, all fabrics and wool cloth not more than 0 oz.	60	62	64	66	68
Item	2	2	2	2	2

Teen age sizes	10	12	14	16	Teen age stout sizes (chubbies)
Length, including waistband	21	21½	22	23	Length, including waistband
Sweep, wool cloth, more than 0 oz.	60	62	64	66	Sweep, wool cloth, more than 0 oz.
Sweep, all fabrics and wool cloth not more than 0 oz.	60	62	64	66	Sweep, all fabrics and wool cloth not more than 0 oz.
Item	2	2	2	2	Item

SCHEDULE M—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS CHILDREN'S, GIRLS' AND TEEN AGE SLACKS AND OVERALLS

Children's sizes	3	4	5	6	6X
Length, including waistband and turnup, wool cloth	23	24	25	26	27
Circumference at bottom of slack	19	20	21	22	23
Length, including waistband and turnup, other than wool cloth	23	24	25	26	27
Circumference at bottom of slack	19	20	21	22	23

  

Girls' sizes	7	8	10	12	14
Length, including waistband and turnup, wool cloth	33	34	35	36	37
Circumference at bottom of slack	19	20	21	22	23
Length, including waistband and turnup, other than wool cloth	33	34	35	36	37
Circumference at bottom of slack	19	20	21	22	23

  

Teen age sizes	10	12	14	16
Length, including waistband and turnup, wool cloth	39	40	41	42
Circumference at bottom of slack	24	25	26	27
Length, including waistband and turnup, other than wool cloth	39	40	41	42
Circumference at bottom of slack	24	25	26	27

SCHEDULE N—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES', JUNIOR MISSES' AND WOMEN'S NURSES' UNIFORMS

Misses' sizes	10	12	14	16	20
Length, preshrunk fabrics	42½	43	43½	44	45
Length, non-shrunk fabrics	42	42½	43	43½	44
Sweep, all fabrics	60	62	64	66	68
Item	3	3	3	3	3

  

Junior misses' sizes	9	11	13	15	17
Length, preshrunk fabrics	41	41½	42	42½	43
Length, non-shrunk fabrics	40½	41	41½	42	42½
Sweep, all fabrics	60	62	64	66	68
Item	3	3	3	3	3

  

Women's sizes	34	36	38	40	42	44	46
Length, preshrunk fabrics	41	41½	42	42½	43	43½	44
Length, non-shrunk fabrics	40½	41	41½	42	42½	43	43½
Sweep, all fabrics	72	74	76	78	80	82	84
Item	3	3	3	3	3	3	3

SCHEDULE O—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES' AND WOMEN'S MAIDS' UNIFORMS

Misses' sizes	12	14	16	18	20
Length, preshrunk fabrics	42	42½	43	43½	44
Length, non-shrunk fabrics	41	41½	42	42½	43
Sweep, all fabrics	60	62	64	66	68
Item	2	2	2	2	2

  

Women's sizes	34	36	38	40	42	44	46
Length, preshrunk fabrics	43	43½	44	44½	45	45½	46
Length, non-shrunk fabrics	42	42½	43	43½	44	44½	45
Sweep, all fabrics	60	62	64	66	68	70	72
Item	2	2	2	2	2	2	2

SCHEDULE P—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES' JUNIOR MISSES' AND WOMEN'S SUIT SKIRTS

Misses' sizes	10	12	14	16	18	20
Length, including waistband	29½	29	28½	28	27½	27
Sweep, wool cloth more than 0 oz.	60	62	64	66	68	70
Sweep, all fabrics and wool cloth not more than 0 oz.	60	62	64	66	68	70
Item	2	2	2	2	2	2

SCHEDULE P—MAXIMUM MEASUREMENTS FOR ALL SIZE RANGES, VARIOUS MISSES'.  
JUNIOR MISSES' AND WOMEN'S SUIT SKIRTS—Continued

Junior misses' sizes.....	9	11	13	15	17	19
Length including waistband.....	26	26½	27	27½	27½	28
Sweep, wool cloth more than 9 oz.....	60	61	62½	64	65½	67
Sweep, wool cloth 9 oz. or less.....	68	69	70½	72	73½	75
Fabrics, other than wool.....	74	75	76½	78	79½	81
Hem.....	2	2	2	2	2	2

  

Women's regular sizes.....	36	38	40	42	44	46	48	50	52
Length including waistband.....	25½	29	29½	29½	29½	29½	30	30	30
Sweep, wool cloth more than 9 oz.....	66	68	70	72	74	76	78	80	82
Sweep, wool cloth 9 oz. or less.....	72	74	76	78	80	82	84	86	88
Fabrics, other than wool.....	78	80	82	84	86	88	90	92	94
Hem.....	2	2	2	2	2	2	2	2	2

[F. R. Doc. 42-6575; Filed, July 10, 1942; 11:56 a. m.]

PART 1210—INDUSTRIAL POWER TRUCKS  
[General Limitation Order L-112]

The fulfillment of the requirements of the defense of the United States has created a shortage in the supply of certain critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1210.1 *General Limitation Order L-112*—(a) *Definitions*. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots. The term shall not include automotive tractors, trucks, or wheeltypes industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging, industrial yard work, or petroleum development.

(3) "Manufacturer" means any person who manufactures or assembles industrial power trucks.

(4) "Parts producer" means any person, other than a manufacturer, who manufactures parts to be incorporated in industrial power trucks.

(5) "Standard model" as applied to a manufacturer, means one model only of each type and capacity of industrial power truck listed in List A attached hereto, described in such manufacturer's catalogue or bulletin on the date of issuance of this order.

(6) "Approved standard model" means a standard model listed hereafter and from time to time by supplementary order or orders, as provided in paragraph (d) (2).

(b) *Restriction on placing of orders and deliveries*. No manufacturer shall hereafter accept any order for an industrial power truck except an order rated A-9 or better on Preference Rating Certificate PD-1A or PD-3A. No manufacturer shall deliver, and no person shall

accept delivery of, any industrial power truck except to fill an order (1) placed prior to the date of issuance of this order, rated A-1-K or better, or (2) placed on or after the date of issuance of this order, rated A-9 or better on PD-1A or PD-3A: *Provided, however*, That the terms of this order shall not apply to any industrial power truck placed in the hands of a common or contract carrier, before the date of this order, for shipment to a purchaser.

(c) *Conservation of material*—(1) *Restrictions upon use of copper*. Parts producers and manufacturers shall be governed by the provisions of paragraph (b) of Limitation Order L-106, (§ 933.9) as amended, in their use of copper products or copper base alloy products (as defined in that order) in the production of parts for industrial power trucks.

(2) No manufacturer shall begin the manufacture of any industrial power truck if such truck contains any of the following materials, or accept delivery of any of the following materials for use in the manufacture of any industrial power truck:

(i) Rubber in any form, except in tires, storage batteries, radiator hose or wire or cable insulation.

(ii) Protective plating in any form, except when necessary to the operation of functional parts.

(iii) Steel plate, where substitution of a less critical material is practicable.

(iv) Lead for counter weights, except that reclaimed lead may be used when required by space limitations.

(v) Steel battery trays, where steel battery boxes are provided.

*Provided, however*, That the restrictions of this subparagraph (2) shall not apply to parts in the manufacturer's stock which, as of the date of issue of this order, were completed, or processed to the point where other use is impracticable: *And provided further*, That the restrictions of this subparagraph (2) shall not apply to the manufacture or delivery of repair and maintenance parts.

(3) *Other regulations*. Nothing in this paragraph (c) shall be construed to permit any manufacturer to sell, deliver or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts or finished parts or products in contravention of the terms of any

regulation or order of the War Production Board.

(d) *Standardization of models*. (1) No manufacturer shall hereafter begin the manufacture of any industrial power truck which is not a standard model. The design and structure of any standard model shall be only as specified or described in such manufacturer's catalogue or bulletin; except that electric fork trucks with capacities from 2,000 pounds to 6,000 pounds may be built in both center and end control types; and that alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: *Provided, however*, That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

(2) On and after August 15, 1942, no manufacturer shall begin the manufacture of any standard model which is not an approved standard model. Approved standard models for each manufacturer shall be only those industrial power trucks listed hereafter and from time to time by order or orders supplementary to this order. The provisions of subparagraph (d) (1) hereof relative to changes in design and structure shall be applicable to approved standard models.

(3) On or before August 31, 1942 and on or before the 15th day of each month thereafter, each manufacturer shall submit to the Director of Industry Operations, on Form PD-385, his proposed production schedule for the third month after the month in which such Form PD-385 is filed. The Director of Industry Operations may thereupon approve such production schedule or may make modifications therein. Unless authorized by the Director of Industry Operations, no manufacturer shall alter such production schedule after approval by the Director of Industry Operations.

(e) *Ninety-day exemption of Army, Navy and Maritime Commission*. Until ninety days after the date of issuance of this order, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms "Army," "Navy," "Maritime Commission," and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for default, under any contract or order, which shall result directly or indirectly from his compliances with the terms of this order.

(3) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request.

(4) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(6) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Industry Operations, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(7) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Branch, Washington, D. C.; Ref.: L-112. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### List A

No lift, high platform.	1,000 lbs. to 20,000 lbs.
No lift, low platform.	1,000 lbs. to 20,000 lbs.
Low lift, high platform.	2,000 lbs. to 20,000 lbs.
Low lift, low platform.	2,000 lbs. to 20,000 lbs.
High lift, low platform.	2,000 lbs. to 10,000 lbs.
Fork or ram.	2,000 lbs. to 60,000 lbs.
Crane.	2,000 lbs. to 20,000 lbs.
Tractor.	1,500 lbs. to 6,000 lbs.
Motorized low lift.	2,000 lbs. to 6,000 lbs.
Straddle trucks.	10,000 lbs. to 30,000 lbs.

<sup>1</sup>Max. D.B.P.

[F. R. Doc. 42-6571; Filed, July 10, 1942;  
11:55 a. m.]

No. 136—3

#### PART 1216—HEAVY POWER AND STEAM EQUIPMENT

[Amendment 3 to Limitation Order L-117]

Section 1216.1 is hereby amended as follows:

1. The portion of paragraph (a) (4) of Limitation Order L-117 following paragraph (a) (4) (ii) is hereby amended to read as follows:

(iii) Any order for heavy power and steam equipment bearing a preference rating of A-9 or higher assigned by Preference Rating Certificate PD-2, PD-3, PD-3A, PD-4, PD-5 or Preference Rating Order P-5b issued prior to May 18, 1942, or by Preference Rating Certificates PD-1, PD-1A, certificates of the PD-25 series, preference rating orders of the P-19 series, or a specific rating assigned by the Director of Industry Operations for repair and maintenance (when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts or the like, and the needed equipment is not otherwise available) issued at any time.

Any preference rating certificate or order of any of the kinds enumerated in paragraphs (i), (ii), or (iii) above may be used to secure heavy power and steam equipment only by or for the actual use of the person to whom it was originally issued and only when such heavy power and steam equipment is expressly specified in the certificate or order (or its Form PD-200 or 200A), except that in the case of preference rating orders of the P-19 series other than P-19h, such equipment need not be expressly specified. Any person placing an approved order for heavy power and steam equipment bearing a rating assigned by such certificate or order who does not deliver the certificate or order but retains the same as permitted by Priorities Regulation No. 3, as amended from time to time, shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3 certify to the person from whom the heavy power and steam equipment is to be acquired that the certificate or order was originally issued to him or to a person for whose actual use he is constructing a plant or other facilities and (except in the case of preference rating orders of the P-19 series other than P-19h) that the particular heavy power and steam equipment was expressly specified in the certificate or order (or its Form PD-200 or 200A).

2. Paragraphs (b) (1) and (b) (2) are hereby amended to read as follows:

(1) From and after May 18, 1942, no person shall, except pursuant to specific directions by the Director of Industry Operations, accept any order for heavy power and steam equipment or manufacture, deliver or sell any heavy power and steam equipment in fulfillment of any order, whether accepted or not, unless such order is an approved order.

(2) From and after May 18, 1942, no person shall, except pursuant to specific directions by the Director of Industry Operations, contract for, purchase, lease or accept delivery of any heavy power and steam equipment except pursuant to an approved order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6572; Filed, July 10, 1942;  
11:55 a. m.]

#### PART 1225—CONSTRUCTION LUMBER

[Limitation Order L-121, as Amended July 10, 1942]

Section 1225.1 *General Limitation Order L-121* is hereby amended to read as follows:

§ 1225.1 *General Limitation Order L-121—(a) Definitions.* For the purposes of this order:

(1) "Construction lumber" means any sawed softwood lumber of any of the following specifications, whether rough, dressed on one or more sides or edges, dressed and matched, ship-lapped or grooved for splines:

(i) Any joists, planks, beams, stringers or timbers of any softwood species, in Grade No. 1 and higher grades, in nominal sizes of 3 inches thick and thicker, by 4 inches wide and wider, by 10 feet long and longer;

(ii) Any common dimension of any softwood species, except Idaho white pine, Northern and Eastern white pine, and sugar pine, in Grade No. 1 and Grade No. 2 (or their equivalents), in nominal sizes of 2 inches thick, by 4 to 14 inches wide (inclusive), by 10 feet long and longer;

(iii) Any common boards in nominal sizes of 1 inch thick, by 4, 6, 8, 10, and 12 inches wide, by 8 feet long and longer, in the following species and grades (or their equivalents):

(a) Western red cedar, Douglas fir, West Coast hemlock and Sitka spruce: Grade No. 1.

(b) Southern pine: Grade No. 1 and Grade No. 2.

(c) Redwood: Grade No. 2.

(d) Ponderosa pine, Eastern spruce, Engelmann spruce and Western white spruce: Grade No. 2 and Grade No. 3.

(e) Cypress, white fir, Eastern hemlock, Western larch, lodgepole pine, Idaho white pine, Northern and Eastern white pine, Norway pine, sugar pine and tamarack: Grade No. 3.

(iv) Any drop siding, standard patterns No. 105 and No. 106, in standard lengths 4 feet and longer, in the following species and grades (or their equivalents):

(a) Western red cedar, Douglas fir, West Coast hemlock and Sitka spruce: Grade D.

(b) Eastern hemlock: Grade No. 1.

(c) Southern pine: Grade C and Grade No. 2.

(d) Cypress and Eastern spruce: Grade No. 2.

(e) Western larch, Idaho white pine, Northern and Eastern white pine, Norway pine, Ponderosa pine, sugar pine,

lodgepole pine, Engelmann spruce, and Western white spruce: Grade No. 3.

(v) Any finished flooring, standard match, 25/32 inch thick by 2 3/4 inches and 3 1/4 inches face widths, in standard lengths 4 feet and longer, in the following species and grades (or their equivalents):

(a) Southern pine: Grade C and Grade No. 2.

(b) Douglas fir, West Coast hemlock, and Sitka spruce: Grade D.

(c) Eastern hemlock: Grade No. 1.

"Construction Lumber" does not include any of the standard grades of factory lumber, shop lumber, or box lumber; or the standard grade of No. 1 Heart Common in Western red cedar, cypress and redwood; or railway ties.

(2) "Producer" means any manufacturing plant, concentration plant or other establishment which processes, by sawing, edging, planing or other comparable method, twenty-five percent or more of the total volume of logs and lumber purchased or received by it; except that "Producer" does not include any sawmill which produced less than 5,000 feet, board measure, of softwood lumber, per average day of eight hours of continuous operation, during the ninety days preceding May 13, 1942, and does not include any establishment known in the trade as a local retail yard whose operations are confined principally to distributing lumber locally and which processes as an incident thereto for the servicing of customers, and does not include any sawmill engaged in local retail distribution in areas not served by retail yards, to the extent that it is so engaged.

(3) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber or sold, as the case may be, within six months immediately prior to the transaction affected by this order.

(b) *General limitations.* (1) During the period of ninety days next following May 13, 1942, no producer shall sell, ship or deliver (including delivery by a producer to any distribution yard of such producer) any construction lumber, except that:

(i) (a) Any producer may sell, ship and/or deliver (either directly or through one or more intervening persons) any construction lumber to be delivered to or for the account of the Army, the Navy, the Maritime Commission, the Panama Canal, or Lend-Lease Governments or which is to be physically incorporated into buildings, structures or material, or used for packing, boxing, crating or stowing for shipment of material, which will be so delivered; but in the case of sales, shipments or deliveries through intervening persons, only if there is endorsed on the purchase order or contract for such construction lumber the following statement, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All construction lumber covered by this purchase order (or contract) is to be sold, shipped, and/or delivered in compliance with paragraph (b) (1) (i) (a) of Limitation

Order L-121 with the terms of which I am familiar.

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Name  
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By: -----  
Date

(b) Any producer may sell, ship and/or deliver (either directly or through one or more intervening persons) any construction lumber to or for the account of any contractor or subcontractor of the Army, the Navy, the Maritime Commission, the Panama Canal, the Defense Plant Corporation or Lend-Lease Governments, when such construction is to be used for plant construction or expansion for the manufacture or processing of material for the Army, the Navy, the Maritime Commission, the Panama Canal, the Defense Plant Corporation, or Lend-Lease Governments, or for the training of personnel of the Army or the Navy, if such construction or expansion project is rated on Preference Rating Certificate PD-3, PD-3A or PD-4 or under any of the P-19 series of preference rating orders or the P-14 series of preference rating orders; but only if there is endorsed on the purchase order or contract for such construction lumber the following statement, signed by a contracting or inspecting official of the Army, the Navy, the Maritime Commission, the Panama Canal, the Defense Plant Corporation, or Lend-Lease, as the case may be:

The construction lumber covered by this purchase order (or contract) is required by the purchaser, actually to be put into construction during the period Order L-121 is in effect, and sixty days thereafter. The construction lumber is to be used for construction (or expansion) of facilities for the manufacture or processing of material for the Army, the Navy, the Maritime Commission, the Panama Canal, or Lend-Lease Governments, or for the training of personnel of the Army or the Navy, which construction (or expansion) is rated on Preference Rating Certificate (or Order) Number \_\_\_\_\_, Serial Number \_\_\_\_\_.

(c) Any producer may sell, ship and/or deliver (either directly or through one or more intervening persons) any construction lumber to or for the account of any operator as defined in Preference Rating Order P-56 or any operator as defined in Preference Rating Order P-58 or any producer as defined in Preference Rating Order P-73, for the purposes stated in such orders; but only if there is endorsed on the purchase order or contract for such construction lumber the following statement, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All construction lumber covered by this purchase order (or contract) is to be sold, shipped, and/or delivered in compliance with paragraph (b) (1) (i) (c) of Limitation Order L-121 with the terms of which I am familiar.

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Name  
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By: -----  
Date

(d) Any producer may sell, ship and/or deliver any construction lumber (either directly or through one or more

intervening persons) to any person if such construction lumber is ultimately to be used for the construction, extension, remodeling, repair or maintenance of buildings or structures for the storage of agricultural products produced by farmers, planters, ranchmen, dairymen, or nut or fruit growers, or if such construction lumber is to be used for the packing, boxing, crating or stowing for shipment of such products; but only if there is endorsed on the purchase order or contract for such construction lumber the following statement, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All construction lumber covered by this purchase order (or contract) is to be sold, shipped, and/or delivered in compliance with paragraph (b) (1) (i) (d) of Limitation Order L-121 with the terms of which I am familiar.

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Name  
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By: -----  
Date

(e) Any producer may sell, ship and/or deliver any construction lumber (either directly or through one or more intervening persons) to any person if such construction lumber is to be used for the repair or maintenance, in the shops of the owner, of railway rolling stock; but only if there is endorsed on the purchase order or contract for such construction lumber the following statement signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All construction lumber covered by this purchase order (or contract) is to be sold, shipped, and/or delivered in compliance with paragraph (b) (1) (i) (e) of Limitation Order L-121 with the terms of which I am familiar.

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Name  
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By: -----  
Date

Each endorsement made under the provisions of the order shall constitute a representation to the producer and to the War Production Board that the construction lumber referred to therein will be used in accordance with the said endorsement.

(ii) Any construction lumber which was actually in transit on May 13, 1942, may be delivered to its ultimate destination;

(iii) Any producer may sell, ship and/or deliver any construction lumber to any other producer;

(iv) Any producer may sell, ship and/or deliver any construction lumber upon the specific authorization of the Director of Industry Operations on Form PD-423 for the specific sale, shipment and/or delivery of such construction lumber.

(2) No person shall accept any delivery of lumber, the delivery of which is prohibited by this order.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.



(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(i) *Applicability of other orders.* Insofar as any other order issued by the Director of Industry Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order the restrictions of such other order shall govern, unless otherwise specified therein.

(j) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Lumber and Lumber Products Branch, Washington, D. C., Ref: L-121.

This amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6573; Filed, July 10, 1942; 11:55 a. m.]

## PART 1272—MACHINE TOOL ELECTRICAL SPECIFICATIONS

[Limitation Order L-147]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of machine tools for defense, for private account and for export; customers' requests for special electrical equipment and for special methods of application of electrical equipment to machine tools prevent producers of machine tools from obtaining maximum production; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1272.1 *Limitation Order L-147—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in producing machine tools.

(2) "Machine tool" means any power driven machine for the cutting, abrading, grinding, shaping or forming of metals, excluding machines which are portable by hand.

(3) "Special electrical specifications" means:

(i) Any electrical control, motor, wiring, or other electrical device or feature used in the electrification of machine tools not customarily or usually supplied by a producer on machine tools produced by him and not required by the American War Standard—Machine Tool Electrical Standards—C74-1942, approved by the American Standards Association June 8, 1942; or

(ii) Any method of application to a machine tool of any electrical control, motor, wiring, or other electrical device or feature not customarily or usually employed by a producer and not required by the American War Standard—Machine Tool Electrical Standards—C74-1942, approved by the American Standards Association June 8, 1942.

(b) *Electrical specifications for machine tools ordered after July 15, 1942.* After July 15, 1942, no person shall place and no producer shall accept any purchase order for any machine tool calling for special electrical specifications unless permission to place and accept such order has been granted by the Director of Industry Operations or his duly authorized representative.

Application for such permission will be entertained only upon receipt of a letter from the person desiring to place a purchase order with special electrical specifications, in triplicate, addressed to the Tools Branch, Ref: L-147, War Production Board; such letter must set forth the specific circumstances and reasons why special electrical specifications are necessary.

(c) *Electrical specifications in orders for machine tools placed prior to July 15, 1942.* No machine tool ordered prior to July 15, 1942 shall be made up accord-

ing to special electrical specifications notwithstanding the purchase order therefor contained special electrical specifications except in the following cases:

(1) In any case where the special electrical specifications have been approved for production by the producer's engineering department prior to the date of this order.

(2) In any case where the motor, control, wiring, or other electrical device called for by the special electrical specifications for a specific machine tool:

(i) Has been received by the producer of the machine tool prior to the date of this order, or

(ii) Is received within thirty days after the date of this order, and the machine tool has not already been transferred to another purchaser pursuant to paragraph (d) of this order.

(d) *Machine tools awaiting delivery of motors and controls.* Whenever any machine tool ordered prior to July 15, 1942 has been completed except for the application of any motor, control or other electrical device or feature called for by special electrical specifications permitted by paragraph (c) of this order and its completion is delayed only because of nondelivery to the producer of such motor, control or other electrical device, the producer shall request the purchaser of such machine tool to accept delivery with such motor, control or other electrical device as is available to the producer, provided this meets the American War Standard—Machine Tool Electrical Standards—C74-1942 referred to in paragraph (a) (3) of this order.

In the event that the purchaser refuses to accept the machine tool under such terms, the producer shall nevertheless complete such tool with the available motor, control or other electrical device and deliver the same in fulfillment of the next order scheduled under General Preference Order No. E-1-b for a purchaser in the same group which such machine tool is suitable to fill: *Provided, however,* Where good and sufficient reason is furnished to the Director of Industry Operations or his duly authorized representative, he may authorize the holding of such machine tool for the original purchaser until receipt of the motor, control or other electrical device called for in the special electrical specifications.

(e) *Governmental orders containing special electrical specifications.* The limitations contained in this order shall not apply to machine tools ordered by the Army, Navy, or Maritime Commission for their own use.

(f) *Other limitation and conservation orders.* Nothing in this order shall excuse any producer from complying with such further orders conserving and limiting the use of specific materials which the War Production Board may have heretofore issued or may hereafter issue.

(g) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such

reports and questionnaires as said Board shall from time to time require.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Washington, D. C., Ref: L-147, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tools Branch, Washington, D. C. Ref.: L-147.

(k) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6570; Filed, July 10, 1942;  
11:55 a. m.]

## Chapter XI—Office of Price Administration

### PART 1303—ZINC

[Amendment 1 to Maximum Price Regulation 166<sup>1</sup>]

#### ZINC OXIDES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

<sup>1</sup> 7 F.R. 4585, 4701.

and has been filed with the Division of the Federal Register.

Section 1303.201 is amended by adding a new paragraph (c), and a new § 1303.211a is added as set forth below:

#### § 1303.201 Maximum prices for zinc oxides. \* \* \*

(c) Permission to charge and to pay maximum prices set forth in this Maximum Price Regulation No. 166 is made effective as of May 11, 1942.

§ 1303.211a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1303.201 (c) and 1303.211a) to Maximum Price Regulation No. 166 shall become effective July 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6546; Filed, July 9, 1942;  
4:31 p. m.]

### PART 1408—GLASS AND GLASS CONTAINERS

[Maximum Price Regulation 175]

ROUGH ROLLED, FIGURED, WIRE AND HEAT  
ABSORBING ROLLED GLASS

#### Correction

That portion of Table 1 under the caption "Plain-(Without Wire)" appearing on page 5189 of the issue for Wednesday, July 8, 1942, is corrected to read as follows:

PLAIN (WITHOUT WIRE)

Thickness	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
3/8"	\$0.055	\$0.065	\$0.075
1/2"	.09	.10	.11
5/8"	.15	.17	.19
7/8" or 1"		.25	.27

See footnotes at end of table.

### PART 1305—ADMINISTRATION

[Supplementary Order 8]

#### REMOVAL OF THE PANAMA CANAL ZONE FROM THE OPERATION OF ALL PRICE REGULATIONS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

§ 1305.10 *Removal of the Panama Canal Zone from the operation of all price regulations.* (a) Sales and deliveries of commodities in the Panama Canal Zone shall not be subject to any price regulation issued, or which may be issued, by the Office of Price Administration, unless specific provision making a price regulation applicable to the Canal Zone shall hereafter be included in such regulation.

(b) "Panama Canal Zone" includes the Panama Canal and the Canal Zone.

(c) "Price regulation", as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(d) Effective date of Supplementary Order No. 8. This Supplementary Order No. 8 (§ 1305.10) shall become effective July 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 10th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6579; Filed, July 10, 1942;  
12:01 p. m.]

### PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 23]

#### FILTROS, INC.

AUTHORIZATION TO DETERMINE PRICES FOR  
UNFINISHED PLATE

On May 14, 1942, Filtros, Inc. of East Rochester, New York filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for unfinished Filtros plates and for instructions as to the method to be used in determining such prices. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, it is hereby ordered:

§ 1499.60 *Authorization for Filtros Inc. to determine maximum prices for unfinished Filtros plate.* (a) The maximum prices which may be charged for unfinished Filtros plates by Filtros Inc. shall be prices determined in accordance with the following formula: From the average platform cost (cost of raw materials, direct labor, factory overhead, packing and loading) of a finished Filtros plate in March 1942 deduct the total cost of the machining and packing involved in the production of a finished plate which cost does not enter into the production of an unfinished plate. To the figure thus derived, add the commercial burden (general, administrative, and selling expenses) on a percentage basis at the same rate as that used in March, 1942 in arriving at the total cost of finished plates. To this figure there may be added a margin of profit in an amount

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

not to exceed the average percentage of profit in relation to sales realized during March 1942 on finished plates.

(b) Any discounts applicable to the sale of finished Filtros plates whether based on quantity, class of purchaser or any other cause shall be applicable to sales of unfinished Filtros plates.

(c) Within ten days after a maximum price has been determined in accordance with this order, Filtros Inc. shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 23 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 23 (§ 1499.60) shall become effective July 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 10th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6580; Filed, July 10, 1942;  
12:02 p. m.]

## Chapter XVII—Office of Civilian Defense

### PART 1902—INSIGNIA

[Regulations 2, Amendment 1 to Supplementary Order 2<sup>1</sup>]

#### DIMENSIONS OF ARM BANDS AND BRASSARDS

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and pursuant to § 1902.2 of this chapter (Section 2 of Office of Civilian Defense Regulations No. 2), the Director of Civilian Defense hereby amends the provisions regarding the dimensions of arm bands and brassards in §§ 1902.52 (a), 1902.53 (a), 1902.55 (a), and 1902.56 (a) (sections 2 (a), 3 (a), 5 (a), and 6 (a) of Supplementary Order No. 2, dated May 28, 1942, to Office of Civilian Defense Regulations No. 2) to read as follows:

Arm bands and brassards shall be 10 to 18 inches long and 4 inches wide. The width may be 4½ inches when necessary to accommodate appropriate lettering where such lettering is permitted. The prescribed insignia shall be 3½ inches in diameter and shall be placed in the center of the arm band or brassard. (E.O. 8757, 9088, 9134; 6 F.R. 2517; 7 F.R. 1775, 2887)

JAMES M. LANDIS,  
Director of Civilian Defense.

July 9, 1942.

[F. R. Doc. 42-6563; Filed, July 10, 1942;  
11:12 a. m.]

<sup>1</sup> 7 F.R. 4274.

## TITLE 36—PARKS AND FORESTS

### Chapter I—National Park Service

#### PART 2—GENERAL RULES AND REGULATIONS

##### ADMISSION FEES

##### Correction

In the fourth line of § 2.55 (1) (2) appearing on page 5246 of the issue for Thursday, July 9, 1942, the age limit should read 18 instead of 16 years.

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 2—ADJUDICATION: VETERANS' CLAIMS<sup>1</sup>

##### MISCELLANEOUS AMENDMENTS

##### JURISDICTION

§ 2.1003 *Jurisdiction of Adjudication Division.* The adjudication division in each regional office or facility, under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability and death compensation or pension and burial allowance within the jurisdiction of field adjudication activities. (July 10, 1942)

§ 2.1005 *Jurisdiction of rating board.*

(b) The rating boards will have original jurisdiction to rate claims involving disability and death compensation or pension under the jurisdiction of the field office, and will have authority to make recommended ratings under section 31, Title III, Public No. 141, 73d Congress, as amended. (July 10, 1942)

§ 2.1009 *Revision of rating board decisions.* (a) No rating board will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, or by any appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue: *Provided*, That a rating board may reverse or amend a decision by the same or any other rating board where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered, but in each such case there shall be attached to each copy of the rating a signed statement by the rating board definitely fixing the responsibility for the erroneous decision. (See also § 3.1201.) *Provided, further*, That where the severance of service connection is considered warranted on the facts of record the case file will be forwarded without rating to the director of the service concerned in central office, for

review, accompanied by a full and clear statement of the underlying reasons and facts. Where the submission with recommendation for severance of service connection is based upon a change of diagnosis it is essential that the requisite medical certificate accepted as showing that the previous diagnosis was not correct be of record in the case file.

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a severance of service connection not being involved, the complete file will be forwarded to the director of the service concerned in central office, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order. A rating decision will not be effected in any such case pending the return of the case file following central office consideration. The effective date of the rating authorizing benefits in such cases will be the date of administrative determination, except where otherwise provided. (See currently effective adjudication procedure)

(c) Determinations in effect on March 19, 1933 will not be reversed in those cases comprehended within the provisions of sections 27 and 28, Public No. 141, 73d Congress, except as provided in these sections. These cases, therefore, will not be referred to central office under paragraph (b) above upon a difference of opinion. In the event clear and unmistakable error is discovered the rating board will take action as provided in paragraph (a) of this section.

(d) In those instances wherein the severance of service connection is involved (the burden of proof being on the Government), and the case file upon submission to the central office under paragraph (a) hereof has been returned for appropriate action hereunder, the claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed 60 days, from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans Administration issue; or (4) where the evidence establishes the service connection to be clearly illegal.

(e) When a reduction of an award for a service-connected disability is considered warranted by reason of a change in the physical condition, the claimant will be notified in writing of the proposed action and the detailed reasons therefor and will be informed that sixty days from the date on which such notice is mailed to him his case will be reviewed upon the basis of any evidence that he may desire to submit in the meantime

<sup>1</sup> Revision of §§ 2.1003, 2.1005, 2.1003, 2.1013, 2.1023, 2.1027, 2.1041, 2.1045, 2.1057, 2.1063, 2.1094, 2.1130, 2.1137-38, 2.1141-43, 2.1148-49, 2.1166, 2.1170, 2.1185 and new sections 2.1110, 2.1150, 2.1171-72.

as to why such reduction should not be effectuated. The claimant will also be given the opportunity to appear before the rating agency which reviews his case at the expiration of the sixty day period. The rating agency, after consideration of the representations made by the veteran at the hearing or of any additional evidence submitted, will take such action as may be indicated to develop the evidence further, if necessary, but if it is considered that the available evidence warrants a reduction, an appropriate rating will be rendered, and the provisions of § 35.021 (c) (2) will be applied as to the effective date of reduction upon the basis of such rating. (July 10, 1942)

§ 2.1013 *Adjudication of applications of veterans residing in Washington, D. C.* Applications for disability compensation or pension submitted by veterans residing in Washington, D. C., will be adjudicated in the claims division, veterans claims service, central office, functioning as a field office within the meaning of the term as used in Regulations and Procedure. (July 10, 1942)

§ 2.1023 *Jurisdiction in death claims.* (a) Applications for death compensation or pension, accrued disability and death compensation or pension (except when all or a part thereof has been deposited to the credit of the veteran in funds due incompetent beneficiaries), and burial allowance, will be adjudicated by the appropriate field station, regardless of the date of death of the veteran, when all service rendered by the deceased veteran in the military or naval forces was subsequent to July 15, 1903, and prior to October 8, 1940, except when:

(1) The veteran at time of death was, or the claimant for death benefits is, a Veterans Administration employee.

(2) Any claimant for death benefits resides without the continental limits of the United States. (Alaska cases are under jurisdiction of Seattle office.)

(3) The veteran's (or dependent's) burial expenses were paid, or are payable, in foreign currency, or when rates of foreign exchange would be involved in payment.

(4) A widow, child or parent claimant for death compensation or pension is already receiving, or has previously applied for such benefit on account of the death of another person.

(5) A widow claimant for death compensation or pension had a former husband who is or was also a veteran.

(6) A child claimant for death compensation or pension has or had more than one parent (natural, adoptive or step-parent) who is or was a veteran.

(7) Rights have been forfeited under any act.

(8) There is entitlement pursuant to special acts.

(9) Insurance or Adjusted Compensation is involved. (Insurance will not be considered to be involved in any case where all allowable insurance benefits have been paid.)

(10) Jurisdiction is otherwise vested in or assumed by central office. (July 10, 1942.)

#### FILING OF CLAIMS AND SUPPORTING EVIDENCE

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, which clearly indicates an intent to apply for benefits under Public No. 2, No. 141, No. 484, 73d Congress, as amended, or Public No. 196, 76th Congress, as amended by sections 7 and 8, Public No. 866, 76th Congress, may be considered an informal claim for compensation or pension, or an informal claim under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within one year in such instances it will be considered filed as of the date of receipt of the informal claim by the Veterans Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director of the service concerned for decision upon the facts in the particular case. (July 10, 1942) (54 Stat. 1196, 1197; 38 U.S.C. 501a, 703b)

#### PROOF OF RELATIONSHIP AND DEPENDENCY

§ 2.1041 *Definition of natural mother or father under Public No. 2, 73d Congress.* These terms mean a natural mother or father of a veteran, or mother or father of a veteran through legal adoption. The phrase "natural mother" means the biological female parent, whether the veteran was legitimate or illegitimate. In establishing relationship where the dependency of a mother is for consideration the submission of evidence of birth will suffice, as evidence of the mother's marriage in establishing relationship under these circumstances would serve no useful purpose. Where the dependency of a father, as defined in § 35.10 (g) (A. D. 284) is involved, evidence establishing the parentage, through marriage or otherwise, will be required. (July 10, 1942)

§ 2.1045 *Illegitimate children; parents of.* (a) For the purposes of Public No. 141, 73d Congress, as amended, the mother of an illegitimate child will be considered to be within the meaning of the word "mother" and "parent" as used in the War Risk Insurance Act, or World War Veterans Act, 1924, as amended.

(b) The father of an illegitimate child will be considered to be within the meaning of the word "father" as used in the foregoing acts upon proof of the existence of the family relationship usual between

parent and child at the time the latter entered the service. (July 10, 1942)

§ 2.1057 *Conditions which determine dependency.* \* \* \*

(b) In determining the amount of income in a given case, account will be taken of the net income from property of every character owned by the mother or father or other members of the family under legal age, and of the earnings received by such father or mother or such other members of the family under legal age. Account will not be taken of the incomes of other members of the family of legal age, but only of the actual contributions made by such members of the family. Amounts received under State and Federal laws in the form of old age assistance are to be considered as income for the purpose of determining the dependency of parents. If it is considered that the parent is dependent, notwithstanding the income from this or other source, an appropriate determination may be made to that effect. The entire corpus of the estate of the claimant as well as income will be considered in determining dependency. (July 10, 1942)

#### DETERMINATIONS AS TO BASIC ENTITLEMENT

§ 2.1069 *Forfeiture—(a) Public No. 2, 73d Congress.* Section 15 of this Act, and section 9, Public 304, 75th Congress, provide for the forfeiture of pension or compensation to a person who knowingly makes false statements in connection with a claim.

(b) *Prior forfeiture bars payment under Public No. 2, 73d Congress, as amended.* By reason of section 11, Public No. 2, 73d Congress, and paragraph 2, section 14 of the Act of August 9, 1921, a claimant whose rights were forfeited under section 504, World War Veterans Act, is not entitled to benefits under Public No. 2, 73d Congress, as amended. However, when disability compensation or pension based upon service connected disability has been forfeited by a veteran because of submission of false or fraudulent evidence, compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service connected disability. Payment in such case may not be made for any period prior to October 17, 1940, as provided in section 9 of Public No. 866, 76th Congress. No compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed. Where payments were suspended prior to October 17, 1940, because of forfeiture, a claim, which may be informal, for benefits under section 9, Public No. 866, 76th Congress, will be necessary. In those cases where payments are suspended on or subsequent to October 17, 1940, because of forfeiture of rights by a veteran because of submission of false or fraudulent evidence, action to determine the rights of the veteran's dependents of record will be taken without the

requirement of an application by the veteran's wife, child or children, and/or dependent parents.

(c) *No forfeiture of pensions for violation of hospital rules.* Pension benefits, including those termed "compensation" by section 33, Public No. 141, 73d Congress, are not subject to deductions because of violations of hospital rules. (A. D. 258) (July 10, 1942) 54 Stat. 1196; 38 U.S.C. 555a, 715a)

#### SERVICE CONNECTION FOR NEUROPSYCHIATRIC DISEASES

§ 2.1094 *Neuropsychiatric diseases included.* The neuropsychiatric diseases included in the second proviso, section 200, World War Veterans Act, 1924, as amended, include the following:

(a) *Psychoses.* Manic-depressive, dementia praecox, paranoid, associated with organic diseases or injuries.

(b) *Psychoneuroses and neuroses.* Neurasthenia, psychasthenia, hysteria, anxiety neurosis, occupational neurosis, compulsion neurosis, tics.

(c) *Vaso-motor and trophic disorders.* Raynaud's disease, angio-neurotic oedema, erythro-melalgia, Buerger's disease (thromboangiitis obliterans, endarteritis obliterans).

(d) *Neurological diseases.* Diseases of the cranial and peripheral nerves, diseases of the spinal cord, diseases of the pons, medulla and basal ganglia, diseases of the cerebellum, diseases of the meninges, diseases of the brain (embolism, hemorrhage into the brain, thrombosis, hydrocephalus, tumors, abscess, muscular dystrophies and myopathies, chorea, athetosis, tremors, paralysis agitans, multiple sclerosis). (See § 2.1139 in considerations under Public No. 196 and No. 866, 76th Congress)

(e) *Endocrinopathies.* Diseases of the thyroid gland (except neoplasms, simple enlargements and abscesses), diseases of the parathyroid glands, diseases of the pituitary (hypopituitarism, Froehlich's syndrome, dystrophia adiposogenitalis; hyperpituitarism-acromegaly), diseases of the gonads, diseases of the adrenal glands, polyglandular syndromes.

(f) *The epilepsies.* (July 10, 1942)

#### SERVICE CONNECTION FOR DENTAL DISABILITIES

§ 2.1110 *Protection of service connection in dental cases.* When service connection for a dental condition, compensable or non-compensable under present rating schedules, which was granted under Veterans Bureau Regulation No. 17, effective February 23, 1922, or subsequent regulations, is considered clearly and unmistakably erroneous, the procedure provided in § 2.1009 (a) will be for application as in any other case wherein severance of service connection is involved. However, service connection for a dental condition, non-compensable under present rating schedules, granted prior to February 23, 1922, the date of promulgation of Veterans Bureau Regulation No. 17, is subject to reconsideration under the provisions of existing laws and regulations and may be severed, when warranted by the facts, without

submission to central office. (July 10, 1942)

NOTE: See § 2.1104 for provisions formerly contained in Veterans Bureau Regulation No. 17.

#### PRINCIPLES GOVERNING STATUTORY RATINGS

§ 2.1130 *Statutory award for loss of use of creative organ, or one or more feet or hands.* Under the last paragraph of section 202 (3) of the World War Veterans Act, as amended July 3, 1930, as reenacted by Public No. 141, 73d Congress, any veteran shown to have suffered the loss or the use of a creative organ or one or more feet or hands as the result of an injury received in the active service in line of duty between April 6, 1917, and November 11, 1918, shall be entitled to a statutory award of \$25.00 per month, independently of any other compensation which may be payable under said Act: *Provided, however,* That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917 to April 1, 1920. This statutory award shall be payable from the date the loss of the use of the creative organ or one or more feet or hands is shown to exist, subject to the provisions of § 35.021 and when payable shall be added to any other compensation payable to the veteran. Section 6 of Public No. 866, 76th Congress, amended the last paragraph of section 202 (3), World War Veterans Act, 1924, as amended, Public No. 141, 73d Congress, by increasing to \$35.00 monthly the compensation payable for the loss of the use of one or more feet or hands. The effective date of the award in such case, if otherwise in order, will be October 17, 1940, the date of the enactment of Public No. 866, 76th Congress. (July 10, 1942) (54 Stat. 1196; 38 U.S.C. 473a)

§ 2.1137 *Rating of reactivation in cases of arrested tuberculosis.* In rating tuberculous disabilities to which the statutory award is not applicable, as when the diagnosis for the period of the disability upon which the rating is based is expressed in terms reflecting activity, the rating of the disability for such period shall be made in accordance with the Schedule of Disability Ratings, 1925, and Extensions thereto and/or the Schedule for Rating Disabilities, 1933, and Extensions. If a period of complete arrest is interrupted by activity, the payment for arrested tuberculosis will cover only the period of arrest and will be terminated as of the date of determined reactivation, from which a rating will be made consistent with the physical findings pending reattainment of complete arrest. (July 10, 1942)

#### RESTORATION OR GRANT OF BENEFITS FOR CLAIMANTS SUFFERING FROM PARALYSIS, PARESIS, OR BLINDNESS, OR WHO ARE HELPLESS OR BEDRIDDEN DUE TO MISCONDUCT

§ 2.1138 *Application of Publics No. 196 and 866, 76th Congress.* (a) On and after July 19, 1939, the date of enactment of Public No. 196, 76th Congress, any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless

or bedridden, as the result of any disability, and who was in receipt of compensation therefor on March 19, 1933, and on or after October 17, 1940, the date of enactment of Public No. 866, 76th Congress, any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as the result of any disability may be awarded compensation under the Laws and interpretations governing this class of cases prior to the enactment of Public No. 2, 73d Congress, subject to the limitations, except as to misconduct or wilful misconduct, contained in sections 27 and 28 of Public No. 141, 73d Congress, as amended: *Provided,* That compensation authorized under section 26 of Public No. 141, 73d Congress, will not be reduced or discontinued as a result of the application of the enactment: *And provided further,* That no payment of disability compensation under Public No. 866, 76th Congress, will be made for any period prior to the date of application therefor, which may be informal where there is of record a formal application, Form 526.

(b) In the application of the limitations contained in sections 27 and 28 of Public No. 141, 73d Congress, except as to misconduct or wilful misconduct, it will be borne in mind that all reasonable doubts will be resolved in favor of the veteran. The delimiting dates of the World War under existing legislation will be applied; for the purposes of Public No. 196 and 866, 76th Congress, the ending date of the World War will, therefore, be April 1, 1920, for those who served with the United States military forces in Russia.

(c) The compensation award or disability rating in the case of any World War veteran restored to the rolls or determinable under Public No. 196, 76th Congress, or granted disability benefits under section 7 of Public No. 866, 76th Congress, will be adjusted at any time upon the happening of a change in any of the contingencies upon which the current status is predicated, such as a change in family relationship, a change in physical condition, etc., as disclosed by competent evidence or a report of physical examination, and the effective date of the adjustment will be in accordance with the applicable regulations. (July 10, 1942) [54 Stat. 1196; 38 U.S.C. 703b]

#### APPLICATION OF RATING SCHEDULE

§ 2.1141 *Use of 1925 and 1933 schedules.* (a) Disability ratings will conform to the 1925 schedule in effect March 19, 1933, known as the Schedule of Disability Ratings, 1925, and Extensions thereto, continued under section 28, Title III, Public No. 141, 73d Congress, and/or the current edition of the 1933 schedule authorized by § 35.03, pursuant to Public No. 2, 73d Congress, known as the Schedule for Rating Disabilities, 1933, and Extensions, according to the facts in each case. (July 10, 1942)

§ 2.1142 *Special action where evaluations provided under rating schedules are*



considered inadequate or excessive. Exceptional cases to which the application of either schedule is not understood, or with regard to which the 1933 schedule evaluation is considered inadequate or excessive, may be submitted for advisory opinion or for reevaluation to the director, veterans claims service, central office. Severe disabilities considered total, but for which current procedure does not authorize a total rating, questionable special monthly pension cases, and questionable double total and permanent disability cases, will be similarly submitted. Where total disability is claimed and a submission hereunder is contemplated a Form 527, Employment Affidavit, will be obtained and other indicated development of the evidence accomplished prior to the release of the records by the custodial office. The submission in any case comprehended by this section will include the case file, a recent medical examination, and definite recommendation from the submitting agency concerning service connection and evaluation of every disability, under the applicable schedule or schedules as interpreted by the submitting agency, and concerning scheduler changes deemed advisable by reason of the particular situation encountered. (§ 35.03) (July 10, 1942)

§ 2.1143 *Protected ratings, 1925 schedule.* Evaluations under the 1925 rating schedule, including the percentage rating, the occupational determination and variant thereunder, and the occupational analogy, are to be continued without reduction in the absence of clear and unmistakable error, or as regards percentage ratings, in the absence of subsequent medical examinations adequately covering the specified disabilities and showing a material change in the physical condition. When the record shows that an extension to the 1925 rating schedule has not been applied, the rating will be brought under the extensions, but a reduction will not be effected in the absence of an examination fully adequate for the purpose of the extension. Differences of opinion as to classification between adjacent severity grades, or as to the rating applicable within a prescribed flexible range, or as to the analysis of disabilities into several factors, the ratings for which have been in the past combined, or mere differences in description or diagnosis of substantially the same degree of disability, will not warrant correction of the evaluation on the ground of clear and unmistakable error unless the rating exceeds a prescribed limit, or is grossly disproportionate to the degree of disability sustained. The protective provisions of section 28, Public No. 141, 73d Congress, are for application in all appropriate instances within the purview of section 5, Public No. 304, 75th Congress, wherein the disease or injury was incurred prior to July 2, 1921, in a reenlistment entered into subsequent to November 11, 1918, where there was prior service between April 6, 1917 and November 11, 1918. (July 10, 1942)

§ 2.1148 *Effective dates of evaluations, 1925 and 1933 schedules in original rat-*

*ings.* (a) Evaluations under the 1933 schedule will be effective as of the date of receipt of the application by the Veterans Administration under Title I, Public No. 2, 73d Congress, and regulations issued pursuant thereto, or the date the evidence shows a compensable or pensionable degree of disability to have existed, whichever is the later, but in no event prior to March 20, 1933; except that changed evaluations due to amendment of the rating schedule will be effective from the date of the receipt of the claim (original, reopening or increase), or the date the evidence shows entitlement, whichever is the later, but in no event prior to the effective date of the amendment to the schedule: *Provided, however,* That where the claim was in a pending or appellate status as of that date the evaluation will be made effective as of the date of administrative determination (date rating or decision is signed) by the original or appellate rating agency. The effective date of the evaluation will not, however, necessarily control award action.

(b) Evaluations under the 1925 schedule and extensions thereto will be effective as of the date of receipt of the application by the Veterans Administration under Title III, Public No. 141, 73d Congress, or the date the evidence shows entitlement, whichever is the later, but in no event prior to March 28, 1934. (July 10, 1942)

§ 2.1149 *Effective dates of evaluations, 1925 and 1933 schedules, in claims for increase.* Evaluations under the 1933 schedule and extensions and the 1925 schedule and extensions thereto, in claims for increase, will be effective from the date of the receipt of the evidence, i. e., affidavits of physicians or other evidence submitted by the veteran showing an additional disability, or an increase in the condition for which he is receiving compensation or pension; or the date of the official report of physical examination made in a Veterans Administration facility, or by a designated examiner in connection with compensation, pension, or treatment pursuant to proper authority. The effective date of the evaluation will not, however, necessarily control award action (See § 3.1216). (July 10, 1942)

§ 2.1150 *General principles as to effective disability evaluations under governing schedules.* Within the limits mentioned in the preceding §§ 2.1148 and 2.1149, the question of evaluating disabilities based on applications for monetary benefits must be determined on the facts in the individual case for consideration. If the disability is static in nature and the information in connection therewith furnished in the Form 526 is substantiated by a subsequent examination, the percentage evaluations in accordance with the terms of the rating schedules will be applicable from the date of claim. Where the disease or injury is not static in nature but is disclosed on examination within such a reasonable time after the filing of the claim that the exercise of sound medical judgment would permit a determination that the condition was existent at the time the claim was filed,

the effective date of the evaluations assigned in accordance with the terms of the rating schedules will be the date of claim. Accordingly, when in the exercise of sound medical judgment the evidence is considered sufficient to establish an evaluation of the disability from the date of application, original or for increase, an appropriate rating will be made and payments authorized effective from the date of application, if otherwise in order. (July 10, 1942)

PERMANENT TOTAL DISABILITY RATINGS UNDER THE WORLD WAR VETERANS ACT, 1924, AS AMENDED, AND THE SCHEDULE OF DISABILITY RATINGS, 1925, AS REINSTATED BY SECTION 28, PUBLIC NO. 141, 73D CONGRESS

§ 2.1166 *Total disability ratings under Public No. 2, 73d Congress, and the 1933 Schedule.* \* \* \*

(f) See Extension No. 4 to the 1933 Rating Schedule for changes in the requirements and procedure relating to total disability generally. (July 10, 1942)

§ 2.1170 *Continuance of total disability ratings.* Total disability ratings made pursuant to the criteria established under the prior general and service pension laws, the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, for pension, disability allowance, or disability compensation purposes, when warranted by the severity of the condition, and not granted purely because of hospitalization or home-treatment, and total ratings made pursuant to existing legislation will not be reduced, in the absence of clear error, without physical examination showing material improvement in physical condition. Examination reports showing material improvement must be evaluated in conjunction with all the facts of record and consideration must be given particularly to whether the veteran attained improvement under the ordinary conditions of life, i. e., while actually at work, or whether the symptoms have been brought under control by prolonged rest, or generally, by following a regimen which precludes work, and if the latter, reduction from total disability rating will not be considered pending reexamination after a period of employment (three to six months). (July 10, 1942)

§ 2.1171 *Continuance of total disability ratings in tuberculosis cases.* Total ratings of long standing for active tuberculosis will not be reduced pending attainment of definite arrest, or at least the subsidence of any marked symptoms under the ordinary conditions of life, i. e., while employed. The fact of attaining inactivity or arrest following prolonged total disability on account of active tuberculosis will not in itself be taken as establishing that the improvement can be maintained under the ordinary conditions of life. (July 10, 1942.)

§ 2.1172 *Stabilization of disability evaluations.* (a) The approved policy of the Veterans Administration requires that all rating agencies handle cases affected by change of medical findings or diagnosis, wherein service connection or entitlement is in effect, including claims under § 35.013, so as to produce the great-

est degree of stability of disability evaluations consistent with the laws and regulations governing disability compensation and pension. In pursuance of this vital policy it is essential that the entire record of examinations and the medical-industrial history be reviewed to ascertain whether the recent examination is full and complete, including all special examinations indicated as a result of general examination and the entire case history. This applies especially to hospital examinations incident to treatment of intercurrent diseases and exacerbations, including bedside examinations, examinations by designated physicians, and examinations in the absence of, or without taking full advantage of, laboratory facilities and the cooperation of specialists in related lines. Examinations less full and complete than those on which payments were authorized or continued, will not be used as the basis of reduction. The type of disease, and the relationship between the former diagnosis and findings and the new diagnosis and findings must be closely examined. Ratings on account of diseases subject to temporary or episodic improvement, e. g., manic-depressive or other psychosis, epilepsy, psychoneurosis, coronary sclerosis (coronary occlusion or the anginal syndrome), bronchial asthma, gastric or duodenal ulcer, many skin diseases, etc., will not be reduced on any one examination except in those instances where all the evidence of record clearly warrants the conclusion that permanent improvement of physical or mental condition has been demonstrated. Ratings on account of diseases which become comparatively symptom free (findings absent) after prolonged rest, e. g., phlebitis, myocardial or coronary insufficiency, active pulmonary tuberculosis, etc., will not be reduced on examinations reflecting the results of bed rest. When the new diagnosis reflects mental deficiency or psychopathic inferiority only, the possibility of only temporary remission of the psychosis, psychoneurosis, or other superimposed disease will be borne in mind. When syphilis of the central nervous system or alcoholic deterioration are diagnosed following a long prior history of psychosis, psychoneurosis, epilepsy, or the like it is rarely possible to exclude persistence, in masked form, of the preceding innocently acquired manifestations. With new diagnosis or findings reflecting change from organic etiology to functional etiology, as organic disease of the heart, to neuro-circulatory asthenia, vaso-motor instability, or psychoneurosis, or as arthritis to psychoneurosis under similar circumstances, substantially the same degree of disability may persist under the new diagnosis as under the old one. Even though material improvement in the physical or mental condition is clearly reflected, the rating agency will consider whether the evidence makes it reasonably certain that the improvement will be permanent and can be maintained under the ordinary conditions of life, i. e., while employed, or, if unemployed, while actively seeking employment. This instruction does not alter the long established

policy of the Veterans Administration of placing disability ratings on a permanent basis whenever existing conditions will permit.

(b) If, after according due consideration to all the evidence developed by the several items discussed in the preceding paragraph, doubt remains, the rating agency will continue the rating in effect, citing the former diagnosis with the new diagnosis in parenthesis and following the appropriate code there will be added the reference "rating continued pending reexamination \_\_\_\_\_ months from this date, § 2.1172." The rating board will determine upon the basis of the facts in each individual case whether 18, 24 or 30 months will be allowed to elapse before the reexamination is made. (July 10, 1942)

§ 2.1185 *Reexaminations to be requested when necessary.* \* \* \*

(c) In nonservice-connected cases under § 35.013, wherein a permanent total rating may be in effect, or be hereafter granted, based on other than obviously static disabilities, reexamination will be conducted within thirty months of the date the permanent total rating was first granted. Further examination will not be requested routinely and will only be accomplished if considered necessary based upon the particular facts of the individual case. In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or with obviously static disabilities, future reexaminations will not be requested. (July 10, 1942)

#### PART 3—ADJUDICATION: VETERANS' CLAIMS DISALLOWANCE AND AWARDS

§ 3.1214 *Effective dates of awards of increased disability compensation or pension by reason of amendments to the rating schedule.* \* \* \*

(b) *By reason of increased disability.* (1) The effective date of an award based upon an increased disability rating under an amendment to the rating schedule or governing regulation, as the case may require, will be the date of receipt of the claim (original, reopening or increased) by the Veterans Administration, or the date the evidence establishes the existence of the increased disability, whichever is the later, but in no event prior to the date of the amendment or regulation involved, *Provided, however*, That where the claim was in a pending or appellate status as of that date the effective date of the award will be the date of administrative determination by the original or appellate rating agency. (July 10, 1942)

§ 3.1218 *Award where identical amounts are involved.* In order to avoid unnecessary awards action where the monetary benefits under existing legislation are the same in the amounts payable the monetary benefit previously awarded will be continued. (July 10, 1942)

§ 3.1235 *Statutory awards, section 202, World War Veterans Act, 1924, as amended, as reenacted by Public No. 141,*

73d Congress. The statutory awards provided in section 202 of the World War Veterans Act, 1924, as amended, are payable under sections 27 or 28, Title III, Public No. 141, 73d Congress, as follows:

(a) Under section 202 (2), compensation under a rating of temporary total disability for a period of six months following discharge from a hospital after treatment therein for a period of one year for tubercular disease of a compensable degree and after a condition of complete arrest thereof has been reached.

(b) Under section 202 (3):

(1) First paragraph, the statutory rates for specified conditions as provided therein.

(2) Second paragraph, compensation under a temporary total rating for a period of three years following discharge from a hospital after treatment therein for a tuberculous disease of a compensable degree for a period of one year and after it has been determined that a condition of arrest will not be reached by further hospitalization.

(3) Third paragraph, the additional compensation of \$25.00 monthly independent of any other compensation, for the loss of the use of a creative organ or one or more feet or hands. Effective October 17, 1940, the additional compensation for loss of use of one or more feet or hands is \$35.00 monthly (Public No. 866, 76th Congress). (July 10, 1942) (54 Stat. 1196; 38 U.S.C. 473a)

473a)

§ 3.1236 *Special monthly pension or compensation under Public No. 2, 73d Congress.* The special monthly pension or compensation provided by paragraphs (k), §§ 35.011 and 35.012 is applicable but once in any one case. In other words, if the veteran has suffered the anatomical loss of one eye and one hand his monthly pension or compensation under Public No. 2, 73d Congress, will be increased by \$25 and not by \$50. Effective July 19, 1939, the amount of increased compensation for the anatomical loss or loss of use of an eye, one or more feet or hands, is \$35 monthly (Public No. 198, 76th Congress.) (July 10, 1942) (53 Stat. 1070; 38 U.S.C. Ch. 12a)

§ 3.1237 *Additional allowance for nurse or attendant.* If and while a veteran is so helpless on account of a service connected compensable condition as to be in need of a nurse or attendant, (see §§ 2.1176, 2.1177, and 2.1178), there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, the sum of \$50.00 per month on and after March 28, 1934: *Provided, however*, Where a veteran in receipt of additional compensation or pension based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof and is being furnished with nursing or attendant's service, the award of compensation or pension will be the amount authorized by the rating decision exclusive of any

additional amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance. The reduced rate of compensation or pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the United States or a political subdivision thereof. The compensation or pension in all cases contemplated herein is subject to the limitations contained in § 35.06. In every case where a beneficiary who is receiving an allowance for a nurse or attendant enters the hospital a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive dates of hospital treatment. (A. D. 201.) Where the additional allowance for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in currently effective adjudication procedure, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the United States or a political subdivision thereof appropriate awards action for the purpose stated above will be accomplished at once and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance. In other cases not involving amputations or conditions essentially permanent the additional allowance for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 2.1009, paragraph (e), which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions of § 2.1009, paragraph (e) are for application. (July 10, 1942)

§ 3.1248 *Continuance of award to child pursuing a course of instruction after it reaches the age of eighteen years.* When an unmarried child of a veteran entitled to disability compensation, pension, or emergency officers retired pay under Public No. 2 or Public No. 78, 73d Congress, as amended, is or may hereafter be pursuing a course of instruction within the purview of § 35.10 (a), payment of an apportioned share of compensation, pension, or emergency officers retired pay may be continued or made to, for, or on behalf of the child after it has reached the age of eighteen years, but not after it reaches the age of twenty-one years. (July 10, 1942)

§ 3.1299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay, and where any person in receipt of com-

pensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended effective the day preceding reentrance. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The period of active service must be verified by Form 3101 series. (July 10, 1942)

§ 3.1302 *Naval pension allowance.* The naval pension allowance (sections 4756-4757, Revised Statutes) may not be paid concurrently with disability compensation awarded under section 28, Public No. 141, 73d Congress, as section 28 thereof does not grant to veterans of the World War rights to benefits which did not exist under the World War Veterans Act, 1924, as amended, as interpreted by the Comptroller General (7 Comp. Decision 556) and the Attorney General (February 28, 1933). However, all persons in receipt of compensation or pension under Public No. 2, 73d Congress, as amended, will be entitled to receive a naval pension allowance in addition to and concurrently with such compensation or pension payable thereunder, provided entitlement thereto is otherwise established. (A. D. 81-B) (July 10, 1942)

§ 3.1303 *Right of election between disability compensation or pension and emergency officers retirement pay.* A veteran who elected to receive emergency officers retirement pay in lieu of disability compensation is not estopped from exercising the right of election between compensation or pension and emergency officers retirement pay under Public No. 2, 73d Congress, or Public No. 141, 73d Congress, as amended. However, when a claimant elects to receive compensation or pension under Public No. 2, 73d Congress, or Public No. 141, 73d Congress, as amended, rather than emergency officers retirement pay, or emergency officers retirement pay in lieu of compensation or pension under Public No. 2, 73d Congress, or Public No. 141, 73d Congress, as amended, he has not thereafter, without further changes in the law which would authorize such action, any right to reverse his election and accept the other benefit. (A. D. 226) (July 10, 1942)

(§§ 2.1003 to 3.1303, inclusive (with the exceptions noted in the text), issued under the authority contained in section 48, Stat. 9; 38 U.S.C. 707)

FRANK T. HINES,  
Administrator.

[F. R. Doc. 42-6565; Filed, July 10, 1942;  
11:18 a. m.]

#### PART 10—INSURANCE<sup>1</sup>

##### MISCELLANEOUS AMENDMENTS

##### TOTAL DISABILITY PROVISION FOR UNITED STATES GOVERNMENT LIFE INSURANCE

§ 10.3170 *Renewal of United States Government life insurance on the five year level premium term plan.* Pursuant to the provisions of an amendment ap-

<sup>1</sup> Revisions of §§ 10.3170, 10.3400, 10.3402.

proved May 14, 1942, amending section 301 of the World War Veterans Act, 1924, as amended (U. S. Code, Supp. V, title 38, section 512), all or any part of United States Government Life Insurance on the five year level premium term plan, in any multiple of \$500 and not less than \$1,000, may be renewed without medical examination for a second, third, or fourth five year period, upon application therefor and payment of the premium at the five year level premium term rate required, at the attained age of the insured, before the expiration of the current five year period. The renewal of insurance for a second, third, or fourth five year period will become effective as of the day following the expiration of the preceding five year period, and the premium for such renewal will be at the five year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed under the amendment approved May 14, 1942, to section 301 of the World War Veterans Act, 1924, as amended, by any person who has exercised his optional right to change to another plan of insurance. If the five year period shall have expired between January 24, 1942 and October 14, 1942, and if all premiums have been paid for said period, the insurance may be renewed for another five year period upon payment of the back premiums on or before October 14, 1942. The renewal of the insurance in accordance with the law and regulations will be evidenced by the following certificate:

##### UNITED STATES GOVERNMENT LIFE INSURANCE CERTIFICATE OF RENEWAL

##### FIVE YEAR LEVEL PREMIUM TERM INSURANCE

Policy Number.....	Monthly	\$.....
K.....	Quarterly	\$.....
Age of Insured.....	Semiannual	\$.....
Amount of insurance	Annual	\$.....
Name of insured.....		

Pursuant to the provisions of the amendment approved May 14, 1942, to section 301 of the World War Veterans Act 1924, as amended, and in consideration of the payment of the monthly premium at the rate for the attained age of insured in the amount as stated above on the day this certificate becomes effective and on the same day of each month thereafter for a period of sixty months, the insurance under said policy of which this agreement becomes a part, is renewed as five year level premium term insurance for the period beginning 19...., and ending 19....

The insurance renewed is subject to the conditions, benefits, and privileges contained in the policy except that any nonforfeiture provisions and any table of guaranteed surrender values of the policy shall be null and void from and after the effective date of this certificate. This insurance ceases on the ending date shown above, and no further premium will be payable unless the insurance has been exchanged for some other plan of insurance on or before that date.

Effective as of ....., 19....

FRANK T. HINES,  
Administrator of Veterans' Affairs.  
Countersigned at Washington, D. C.  
Examined and issued ....., 19....

Registrars.  
Veterans Administration  
Insurance Form 745a  
Revised July 1942.

(May 14, 1942) (Pub. No. 556, 77th Cong.)

## NATIONAL SERVICE LIFE INSURANCE

§ 10.3400 *Applications.* Persons in the active service in the land or naval forces (including the Coast Guard) of the United States, on October 8, 1940, and persons entering such service after that date (including those selected for training and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940) under orders to active duty for a period of not less than thirty-one days, upon written application by any such person and payment of premiums while in such active service, shall be granted National Service Life Insurance on the five-year level premium term plan for not more than \$10,000 or less than \$1,000 in multiples of \$500, in accordance with paragraphs (a) and (b) of this section. Such insurance must become effective while the applicant is in active service and in accordance with the provisions of § 10.3402. No person may carry at any one time a combined amount of insurance in excess of \$10,000 under the War Risk Insurance Act, as amended, the World War Veterans Act, 1924, as amended, and the National Service Life Insurance Act of 1940, as amended. Application for National Service Life Insurance should be made on forms prescribed by the Administrator, but any statement in writing which in substance meets the requirements of this regulation, shall be considered as an application provided that the first monthly premium is paid, advanced or authorized to be deducted or allotted from pay at time of such application.

(a) Every person who is commissioned and ordered into, or who is examined, accepted, and enrolled in, the active service in the land or naval forces after October 8, 1940, shall be granted such insurance without medical examination, provided application therefor is made while the applicant is in the active service and within 120 days after entrance into such service. Entrance into active service shall include a re-entrance, but the provisions of section 602 (a) of the Act shall not apply where the re-entrance is a continuation of previous active service without interruption: *Provided*, Any person in the active service on December 20, 1941, shall be granted such insurance without medical examination upon application made within 120 days thereafter and while in such active service.

(b) Any person in the active service not eligible for insurance under paragraph (a) above, shall be granted such insurance upon application made at any time while in the active service: *Provided*, The applicant is in good health at the time of such application and furnishes evidence thereof satisfactory to the Administrator of Veterans Affairs. (July 15, 1942.) (Pub. No. 360, 77th Congress)

§ 10.3402 *Effective date.* The effective date of a National Service Life In-

surance policy granted under section 602 (a), (b), (c) or (d) of the National Service Life Insurance Act of 1940 as amended, shall not be established prior to October 8, 1940, nor prior to the entrance of the applicant into active service. The effective date of the policy shall not be established later than the first day of the month following the date of application, nor after termination of active service.

Subject to the foregoing limitations the effective date of a National Service Life Insurance policy may be established upon written request by the applicant as follows:

(a) As of the date on which valid application and tender of premium are made: *Provided*, That a premium advanced by the service department under the provisions of Public Law 451, 77th Congress, and regulations of the department promulgated thereunder shall be deemed to be a tender of the first premium.

(b) As of first day of month in which valid application and tender of premium are made.

(c) As of first day of month following that in which valid application is made and premium tendered or allotment of pay or authorization for deduction of premium executed, such allotment or authorization to be effective with the month in which such application is made: *Provided*, The amount of premium is deducted from the applicant's service pay in accordance with the allotment or authorization.

(d) As of first day of any month, but not more than six months, prior to the month in which valid application and tender of premium are made, provided that there be paid (a) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (b) the full premium on the amount of insurance for the month in which application is made.

(e) Unless otherwise specified by the applicant, the effective date of National Service Life Insurance shall be established as follows:

(1) As of the date on which valid application and tender of premium are made: *Provided*, That a premium advanced by the service department under the provisions of Public Law 451, 77th Congress, and regulations of the department promulgated thereunder shall be deemed to be a tender of the first premium.

(2) If the first premium be not tendered or advanced as provided above, such insurance shall be effective as of the first day of the month following the month in which valid application is made and allotment of pay or authorization for deduction of premium executed; such allotment or authorization to be effective with the month in which such application is made: *Provided*, The amount of the premium is deducted from the applicant's service pay in accordance

with the allotment or authorization. (July 15, 1942) (Public, Nos. 360 and 451, 77th Cong.)

FRANK T. HINES,  
Administrator.

[P. R. Doc. 42-6564; Filed, July 10, 1942;  
11:18 a. m.]

## TITLE 41—PUBLIC CONTRACTS

## Chapter II—Division of Public Contracts

CONTRACTS FOR CERTAIN CANNED FRUITS  
AND VEGETABLESEXCEPTION FROM THE PROVISIONS OF THE  
WALSH-HEALEY PUBLIC CONTRACTS ACT

Whereas the Secretary of War on June 19, 1942, made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts awarded on or before December 31, 1942; for canned fruits and vegetables of the varieties hereinafter named will seriously impair the conduct of Government business; and

Whereas the Secretary of War has requested that an exception be granted under section 6 of the Act to permit the award of contracts during the period up to and including December 31, 1942, for canned fruits and vegetables of the varieties hereinafter named without the inclusion of the representations and stipulations of section 1 of the Act; and

Whereas a Notice of Opportunity to Show Cause why such an exception should not be granted has been sent to trade unions, publications, and labor unions, and has been duly published in the FEDERAL REGISTER (7 F.R. 5069); and

Whereas no objection or protest, pursuant to the Notice of Opportunity to Show Cause, has been received; and

Whereas it appears that justice and public interest will be served by the granting of the exception on the basis of the findings of the Secretary of War,

Now, therefore, I do hereby grant an exception, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), permitting the award of contracts during the period from this date up to and including December 31, 1942, without the inclusion of the representations and stipulations of section 1 of the Act, for the following varieties of canned fruits and vegetables:

Apple butter, canned.  
Berries (all varieties), canned.  
Cabbage, canned.  
Cucumbers, canned.  
Fruit juices (all varieties), canned  
Kraut, canned.  
Onions, canned.  
Tomato paste, canned.  
Sweet potatoes, canned.

Nothing in this exception shall excuse non-compliance with the provisions of the Fair Labor Standards Act of 1938 or

of any rules or regulations issued thereunder.

Dated: July 9, 1942.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 42-6566; Filed, July 10, 1942;  
11:30 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 91—ALASKA GAME REGULATIONS

##### MARTEN; CONTINUOUS CLOSE SEASON AREAS

##### *Regulations Respecting Game Animals, Land Fur-Bearing Animals, Game Birds, Nongame Birds, and Nests and Eggs of Birds in Alaska*

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended by acts of February 14, 1931, 46 Stat. 1111; June 25, 1938, 52 Stat. 1169, and October 10, 1940, 54 Stat. 1103 (48 U.S.C. 198); I, Harold L. Ickes, Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, in accordance with such determinations do hereby amend regulation 6, schedule b of the regulations respecting game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska (7 F.R. 2062, adopted March 4, 1942 and effective July 1, 1942), to the extent herein set out, and hereby adopt, effective July 1, 1942, said amended regulation as a suitable regulation permitting and governing the taking of game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska:

Section 91.38, *Areas in which there are continuous close seasons on specified game animals, land fur-bearing animals, and game birds, except for scientific or propagating purposes* (regulation 6, schedule b) is amended by inserting the following after paragraph (p):

(q) *Marten*. On Prince of Wales, Baranof, and Chichagof Islands.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington, this 26th day of June 1942.

[SEAL]

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 42-6547; Filed, July 10, 1942;  
10:12 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-204]

HERMAN J. MORRISON, CODE MEMBER

#### CEASE AND DESIST ORDER, ETC.

Order approving and adopting proposed findings of fact, proposed conclusions of law of the Examiner and cease and desist order.

A complaint having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 1, alleging that Herman J. Morrison, a code member in District No. 1, has wilfully violated the Bituminous Coal Act of 1937, the Code, and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as follows:

By selling and delivering (in his own trucks) to the Brockway Clay Products Company, Brockway, Pennsylvania, between October 1940 and July 1941, approximately 8,547 tons of run of mine coal (Size Group 3) produced at the code member's Morrison Mine (Mine Index No. 1803) at \$2.15 per net ton delivered to the purchaser's plant at Brockway, whereas the effective minimum price set forth for such coal in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments is \$2.15 per net ton f. o. b. the mine, thus failing to add to the f. o. b. mine price an amount at least equal, as nearly as may be, to the actual transportation charges from the mine to the purchaser;

By failing to comply with the provisions of Orders Nos. 296, 297, 307, 308, and 312 during the period of their applicability, in that code member failed to maintain and file with the Division the various records, sales slips, memoranda and reports as prescribed in said orders;

Pursuant to Orders of the Acting Director and after due notice to all interested persons, a hearing in this matter having been held on March 27, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

On May 29, 1942, the Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in which he found that the code member between October 1940 and July 1941 had violated the provisions of sections 4 II (e) and 4 II (g)

of the Act and Price Instruction No. 6 of the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments by selling and delivering to the Brockway Clay Products Company 8,547 tons of run of mine coal produced at his Morrison Mine at prices below the minimum established for coal so sold and delivered, and in addition had violated Orders Nos. 296, 297, 307, 308 and 312; and the Examiner having further found that upon being informed of the illegality of his conduct, code member immediately rectified it by demanding and receiving from Brockway Clay Products Company \$1,282.26 representing transportation charges on the coal sold thereto, has made arrangements to comply in the future with the orders referred to;

The Examiner having recommended that the code member be ordered to cease and desist from further violations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That code member Herman J. Morrison, his representatives, agents, servants, employees, attorneys, successors, or assigns, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from selling or offering to sell coal produced by them at prices below the applicable effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, or otherwise violating the Bituminous Coal Act of 1937, the Code, and rules and regulations thereunder.

It is further ordered, That if code member fails or refuses to comply with this order, the Division may forthwith apply to a Circuit Court of Appeals of the United States, within the circuit wherein code member resides or carries on business, for the enforcement thereof, or take other appropriate action for the enforcement of this Order.

Dated: July 9, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6560; Filed, July 10, 1942;  
11:06 a. m.]



[Docket No. 1793-FD]

HERMAN SANDERS, CODE MEMBER

REVOCATION OF CODE MEMBERSHIP, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner and revoking and cancelling code membership.

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on July 3, 1941, and an amended and supplemented complaint having been filed December 19, 1941, by the Bituminous Coal Producers Board for District No. 13, alleging that Herman Sanders, a code member in District No. 13 has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel or revoke the code membership of said Herman Sanders or, in its discretion, direct this code member to cease and desist from violation of the Code and rules and regulations thereunder;

Pursuant to an Order of the Acting Director and after due notice to interested persons a hearing having been held before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Chattanooga, Tennessee, on February 18, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated June 6, 1942, in which it was recommended that an order be entered revoking and cancelling the code membership of Herman Sanders, and providing that prior to any reinstatement to code membership, this code member shall be required to pay to the United States a tax of \$509.95 as provided in section 5 (c) of the Act based upon the following findings:

Herman Sanders wilfully violated sections 4 II (e) and 4 II (g) of the Act and of the Code by selling and delivering during the period January 1, 1941, to June 30, 1941, a total of 637.83 tons of coal produced at his Sanders Mine (Mine Index No. 1070) at a price below the minimum established therefor in the Schedule of Effective Minimum Prices for District 13 for Truck Shipments, plus the cost of transporting such coal from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That effective fifteen (15) days from the date hereof, pursuant to section 5 (b) of the Act, the code membership of the code member, Herman Sanders, be and it hereby is, revoked and cancelled.

It is further ordered, That prior to any reinstatement of the code member, Herman Sanders, to membership in the Code, this code member shall pay to the United States a tax in the amount of \$509.95, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: July 9, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6561; Filed, July 10, 1942;  
11:06 a. m.]

### General Land Office.

#### RELEASES OF LAND GRANT CLAIMS BY RAILROAD CARRIERS<sup>1</sup>

JUNE 29, 1942.

The Department of the Interior has approved the releases of land grant claims filed under section 321, Part II, Title III, Transportation Act of 1940, and the regulations thereunder (43 CFR 273.61-273.67; Circ. 1480, Oct. 10, 1940), by the railroad carriers listed below, the dates of the approvals of the releases being indicated after the names of the respective carriers. The land grant predecessors involved are shown in parentheses after each releasing carrier.

Gulf, Mobile and Ohio Railroad Company, November 15, 1940. (Mobile and Ohio Railroad Company, from Mobile, Alabama, via Corinth, Mississippi, to Cairo, Illinois, 493 miles.)

Nashville, Chattanooga and St. Louis Railway, November 22, 1940. (Tennessee and Coosa Railroad Company, from Gadsden, Alabama, to Gunter's Landing, Alabama, 36.74 miles.)

Chicago, Burlington and Quincy Railroad Company, November 22, 1940. (Burlington and Missouri River Railroad Company, from Burlington, Iowa, to East Plattsmouth, Iowa, 279.98 miles; Burlington and Missouri River Railroad Company in Nebraska, from Plattsmouth, Nebraska, to Kearney Junction, Nebraska, 190.75 miles; Hannibal and Saint Joseph Railroad Company, from Hannibal, Missouri, to St. Joseph, Missouri, 209 miles.)

Chicago and North Western Railway Company, November 25, 1940. (Chicago, St. Paul and Fond du Lac Railroad Company, between Fond du Lac, Wisconsin, and Menominee, Michigan, 116 miles; Marquette and State Line Railroad Company, between Menominee, Michigan, and Negaunee, Michigan, 125.2 miles; Cedar Rapids and Missouri River Railroad Company, Cedar Rapids, Iowa, to Council Bluffs, Iowa, 271.6 miles, Branch, Lyons, Iowa, to Clinton, Iowa, 2.6 miles.)

Chicago, St. Paul, Minneapolis and Omaha Railway Company, November 25, 1940. (Sioux City and St. Paul Railroad Company, Minnesota line to Le Mars, Iowa, 59.25 miles; St. Paul and Sioux City Railroad Company, St. Paul, Minnesota, to Iowa line, 190 miles; West Wisconsin Railway Company, Tomah, Wisconsin, to Hudson, Wisconsin, 156.9 miles; North Wisconsin Railway Company, Hudson, Wisconsin, via Trego, to Bayfield, Wisconsin, 186.10 miles; Chicago and Northern Pacific Air Line Railway Company, Trego, Wisconsin, to Superior, Wisconsin, 57.80 miles.)

<sup>1</sup> See Circular 1480, 6 F.R. 422 and Notice, 6 F.R. 2634.

Dubuque and Sioux City Railroad Company, November 27, 1940. (Iowa Falls and Sioux City Railroad Company, Dubuque, Iowa, to Sioux City, Iowa, 326.53 miles.)

Seaboard Air Line Railway Company, November 27, 1940. (Florida Central and Peninsular Railroad Company, Fernandino to Waldo, Waldo to Tampa, Waldo to Cedar Keys, 397.65 miles, Jacksonville to the Apalachicola River, 209 miles, all in Florida.)

Southern Railway Company, November 27, 1940. (Selma, Rome and Dalton Railroad Company, Selma, Alabama, to Jacksonville, Alabama, 143.93 miles.)

Illinois Central Railroad Company, November 28, 1940. (Cairo, Illinois, to East Dubuque, Illinois, and from Centralia, Illinois, to Chicago, Illinois, 707.73 miles.)

Alabama Great Southern Railroad Company, November 23, 1940. (Alabama and Chattanooga Railroad Company, from Mississippi line, near Meridian, Mississippi, via Gadsden, Alabama, to the Georgia line, and to Wauhatchee, Tennessee, near Chattanooga, Tennessee, 272 miles.)

Louisville and Nashville Railroad Company, November 23, 1940. (Pensacola and Atlantic Railroad Company, Pensacola, Florida, to the Apalachicola River in Florida, 161 miles; Florida and Alabama Railroad Company of Florida, Pensacola, Florida, to Flomaton, Alabama, 44 miles; Alabama and Florida Railroad Company of Alabama, Flomaton, Alabama, to Montgomery, Alabama, 110 miles; South and North Alabama Railroad Company, Montgomery, Alabama, to Decatur, Alabama, 163 miles.)

Alabama and Vicksburg Railroad Company, November 23, 1940. (Vicksburg and Meridian Railroad Company, Jackson, Mississippi, via Meridian, to the Alabama line, 113.5 miles.)

Gulf and Ship Island Railway Company, November 23, 1940. (Brandon, Mississippi, to Mississippi City, Mississippi, 20 miles.)

Vicksburg, Shreveport and Pacific Railway Company, November 23, 1940. (Vicksburg, Shreveport and Texas Railroad Company, Delta, Louisiana, via Shreveport, to Texas line, 180 miles.)

Missouri-Kansas-Texas Railroad Company, November 23, 1940. (Union Pacific Railway Company, southern branch, Fort Riley, Kansas, to southern boundary of Kansas, 189.5 miles.)

Pere Marquette Railway Company, November 23, 1940. (Flint and Pere Marquette Railroad Company, Ludington, Michigan, to Flint, Michigan, 170.66 miles.)

Chicago, Rock Island and Pacific Railway Company, November 23, 1940. (Mississippi and Missouri Railroad Company, Davenport, Iowa, to Council Bluffs, Iowa, 317.75 miles.)

St. Joseph and Grand Island Railway Company, November 23, 1940. (St. Joseph and Denver City Railroad Company, Elwood, Kansas, to Hastings, Nebraska, 226 miles.)

Chestaw, Oklahoma and Gulf Railroad Company, November 23, 1940. (Memphis and Little Rock Railroad Company, Argenta, Arkansas, opposite Little Rock, to the Mississippi River, opposite Memphis, Tennessee, 131 miles.)

Chicago, Milwaukee, St. Paul and Pacific Company, November 23, 1940. (McGregor Western Railway Company, South McGregor, Iowa, via Calmar, to Sheldon, Iowa, 251 miles; Southern Minnesota Railroad Company, La Crosse, Minnesota, via Houston, to Arlie, Minnesota, 297.37 miles; Hastings and Dakota Railroad Company, Hastings, Minnesota, to Ortonville, Minnesota, 292.1 miles; Tete Des Morts Branch of the Dubuque and Pacific Railroad Company, from mouth of Tete Des Morts River, to the main line, near Dubuque, Iowa, 10.78 miles; Ontonagon and Brule River Railroad Company, Ontonagon, Michigan, to near Rockland, Michigan, 20 miles.)

Missouri Pacific Railroad Company, December 6, 1940. (Cairo and Fulton Railroad Company, Bird's Point, Missouri opposite mouth of Ohio River, via Little Rock, to Texarkana,

Arkansas, 304.5 miles; Little Rock and Fort Smith Railroad Company, Argenta, Arkansas, to Fort Smith, Arkansas, 165.16 miles; Pacific Railroad Company of Missouri, St. Louis, Missouri, to Pacific, Missouri, 34.2 miles; Central Branch Union Pacific Railroad Company, Atchison, Kansas, to Waterville, Kansas, 100 miles; St. Louis and Iron Mountain Railroad Company, Pilot Knob, Missouri, to southern boundary of Missouri, 97.84 miles.)

Central of Georgia Railway Company, December 18, 1940. (Mobile and Girard Railroad Company, Girard, Alabama, to Troy, Alabama, 84 miles.)

Grand Trunk Western Railroad Company, December 20, 1940. (Port Huron and Lake Michigan Railroad Company, Port Huron, Michigan, to Flint, Michigan, 60 miles.)

Chicago and North Western Railway Company, December 21, 1940. (Winona and St. Peter Railroad Company, Winona, Minnesota, to Watertown, North Dakota, 323.22 miles.)

Wisconsin Central Railway Company, December 21, 1940. (Wisconsin Central Railroad Company, Portage, Wisconsin, to Ashland, Wisconsin, 257 miles.)

Southern Pacific Railroad Company, Central Pacific Railway Company, Southern Pacific Land Company, and Southern Pacific Company, December 28, 1940. (Oregon Central Railroad Company, and Oregon and California Railroad Company, Portland, Oregon to California line, and from Portland, via Forest Grove, to McMinnville, Oregon, 407.5 miles; California and Oregon Railroad Company, Roseville, California, to Oregon line, 304 miles; Central Pacific Railroad Company, San Jose, California, via Sacramento, to Ogden, Utah, 860.66 miles; Southern Pacific Railroad Company, main line, San Jose, California, to Tres Pinos, California, and from Alameda, California, via Mohave, to Needles, California, 495.52 miles; Southern Pacific Railroad Company, branch line, Mohave, California, via Los Angeles, to the Colorado River, near Yuma, Arizona, 346.97 miles.)

St. Louis-San Francisco Railway Company, December 30, 1940. (Pacific Railroad, Southwest Branch, St. Louis, via Springfield, Missouri, to the state line near Seneca, 321 miles; Kansas and Neosho Valley Railroad Company, Kansas City, Kansas, south to the state line, near Baxter Springs, 160 miles.)

The California, Arizona and Santa Fe Railway Company, January 14, 1941. (Southern Pacific Railroad Company, between Needles and Mohave, California, 242.5 miles.)

The Atchison, Topeka and Santa Fe Railway Company, January 17, 1941. (Atchison, Topeka and Santa Fe Railroad Company, Atchison, Kansas, to Coolidge, Kansas, 460.35 miles; The Leavenworth, Lawrence and Galveston Railroad Company, Lawrence, Kansas, to the southern boundary of the State, 142.8 miles.)

Great Northern Railway Company, January 23, 1941. (St. Paul and Pacific Railroad Company, main line, Brainerd branch, and St. Vincent Extension, St. Paul, Minnesota, to Breckenridge, Minnesota, and from Minneapolis, Minnesota, to St. Vincent, and Noyes, Minnesota, 610.61 miles.)

The New York Central Railroad Company, January 28, 1941. (Amboy, Lansing and Traverse Bay Railroad Company, between Lansing and Jonesville, in Michigan, 60 miles.)

The Michigan Central Railroad Company, January 28, 1941. (Jackson, Lansing and Saginaw Railroad Company, from Lansing to Mackinaw City, in Michigan, 261.37 miles.)

Chicago, St. Paul, Minneapolis and Omaha Railway Company, January 28, 1941. (St. Paul and Pacific Railroad Company, between St. Paul and Stillwater, in Minnesota, 17.61 miles.)

Grand Rapids and Indiana Railway Company, January 29, 1941. (Grand Rapids and

Indiana Railroad Company, Petoskey to south boundary of Michigan, 333 miles.)

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, January 31, 1941. (Minnesota Central Railway Company, Minneapolis, Minnesota, to the state line, near Lyle, Minnesota, 115 miles.)

The Atchison, Topeka and Santa Fe Railway Company, March 1, 1941. (Santa Fe Pacific Railroad Company, Isleta, New Mexico, through Arizona to the Colorado River, near Needles, California, 550 miles.)

Winona and St. Peter Railroad Company, March 3, 1941. (Winona, Minnesota, to Watertown, North Dakota, 323.22 miles.)

Duluth, South Shore and Atlantic Railway Company, March 4, 1941. (Marquette, Houghton and Ontonagon Railroad Company, Marquette, Michigan, to L'Anse, Michigan, 65.26 miles.)

Union Pacific Railroad Company, March 13, 1941. (The Union Pacific Railroad Company, Omaha, Nebraska, to Ogden, Utah, 1,038.68 miles; Leavenworth, Pawnee and Western Railroad Company, Kansas City, Kansas, to Denver, Colorado, 638.6 miles; Denver Pacific Railroad and Telegraph Company, Denver, Colorado, to Cheyenne, Wyoming, 116 miles.)

Northern Pacific Railway Company, April 16, 1941. (Northern Pacific Railroad Company, Ashland, Wisconsin, to Wallula, Washington, and from Pasco, Washington, via Tacoma, to Portland, Oregon, 2,037.81 miles; St. Paul and Northern Pacific Railroad Company, Watab, Minnesota, to Brainerd, Minnesota, 60.21 miles; St. Paul and Duluth Railroad Company, in Minnesota, St. Paul to Duluth, 154.42 miles; Stillwater and St. Paul Railroad Company, in Minnesota, Stillwater to White Bear, 12 miles.)

The Minneapolis and St. Louis Railroad Company, May 10, 1941. (The Des Moines Valley Railroad Company, from Des Moines, Iowa, via Fort Dodge, to Ruthven, Iowa, 139 miles.)

New Orleans Pacific Railway Company, August 27, 1941. (The Texas and Pacific Railway Company, New Orleans, Baton Rouge and Vicksburg Railroad Company, from White Castle, Louisiana, to Shreveport, Louisiana, 260 miles.)

[SEAL]

FRED W. JOHNSON,  
Commissioner.

[F. R. Doc. 42-6548; Filed, July 10, 1942;  
10:12 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### AUTHORIZATION OF WILLIAM B. GROGAN TO ACT IN ABSENCE OF ADMINISTRATOR

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby authorize William B. Grogan, Deputy Administrator, to act as Administrator and to exercise any or all of the powers of the Administrator under the Fair Labor Standards Act of 1938 when the Administrator is unable to act by reason of sickness or absence from New York City.

This order shall be effective as of July 9, 1942.

Signed at New York, New York, this 8th day of July 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-6554; Filed, July 10, 1942;  
10:37 a. m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION.

### ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (Sec. 101 (h) (1), 49 Stat. 688; 12 U.S.C., Sup., 264 (h) (1), it is ordered, That each insured bank file with the Corporation on or before July 15, 1942, the following described certified statement forms: (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1942, Form 545N<sup>1</sup> in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1942, Form 555N, in triplicate.

By the Federal Deposit Insurance Corporation.

[SEAL]

E. F. DOWNEY,  
Secretary.

[F. R. Doc. 42-6549; Filed, July 10, 1942;  
10:17 a. m.]

### NONMEMBER STATE BANKS

#### CALL FOR REPORT OF CONDITION

Resolution of Board of Directors adopted July 2, 1942, authorizing Call for Report of Condition.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, (sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured State nonmember bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, June 30, 1942, on Form 64<sup>1</sup>—Call No. 17. Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64, December, 1938".

By the Federal Deposit Insurance Corporation.

[SEAL]

E. F. DOWNEY,  
Secretary.

[F. R. Doc. 42-6550; Filed, July 10, 1942;  
10:17 a. m.]

### NONMEMBER MUTUAL SAVINGS BANKS

#### CALL FOR REPORT OF CONDITION

Resolution of Board of Directors adopted July 2, 1942 authorizing Call for Report of Condition.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, (Sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured nonmember mutual savings bank be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a re-

<sup>1</sup> Filed as part of original document.

port of its condition as of the close of business Tuesday, June 30, 1942, on Form 64 (Savings).<sup>1</sup> Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) by Insured Mutual Savings Banks, December, 1940".

By the Federal Deposit Insurance Corporation.

E. F. DOWNEY,  
*Secretary.*

[F. R. Doc. 42-6551; Filed, July 10, 1942;  
10:17 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

CONTINENTAL CHEMICAL & ORE CO., INC.

### MAXIMUM PRICE FOR FLUORSPAR

Order 3 under Maximum Price Regulation 126<sup>2</sup>—Fluorspar.

Under date of May 11, 1942, Continental Chemical & Ore Co., Inc., Silver City, New Mexico, applied to the Office of Price Administration for the determination of a maximum price at which it might sell its acid grade fluorspar, the specification of which is 97.2% to 97.5% plus calcium fluoride, and a maximum of 1% silica. Under the provisions of § 1376.1 (a) (3) of Maximum Price Regulation No. 126, the Office of Price Administration will determine the maximum price at which fluorspar of a particular grade may be sold by a producer when the conditions named in that Section exist. Due consideration has been given to that application, and an Opinion in support of this Order No. 3, has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:

(a) Under the provisions of § 1376.1 (a) (3) of Maximum Price Regulation No. 126, issued April 28, 1942, the price of \$27.16 per ton f. o. b. Silver City, New Mexico, for acid grade fluorspar, the specification of which is 97.2% to 97.5% plus calcium fluoride, and a maximum of 1% silica, is determined to be a price in line with the level of maximum prices established by § 1376.1 of said Maximum Price Regulation for sales made by Continental Chemical & Ore Co., Inc., Silver City, New Mexico, and the maximum price at which said company may sell or deliver said grade of fluorspar.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall become effective July 11, 1942.

Issued this 10th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-6576; Filed, July 10, 1942;  
12:00 m.]

<sup>1</sup>Filed as part of original document.  
<sup>2</sup>7 F.R. 3189.

[Docket No. 3120-23]

ALLBURN COLLIERIES COMPANY

### ORDER GRANTING EXCEPTION

Order No. 15 under Maximum Price Regulation No. 120<sup>1</sup>—bituminous coal delivered from mine or preparation plant.

On May 16, 1942 the Allburn Collieries Company, McCarr, Kentucky, filed a petition for adjustment or exception pursuant to § 1340.207 (a) of Maximum Price Regulation No. 120. Due consideration has been given to the petition and an opinion in support of this Order No. 15 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) The Allburn Collieries Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, by all methods of transportation except truck or wagon, the kinds and grades of bituminous coal delivered from its Allburn Mine (Mine Index No. 8) set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, carbon steel merchant bars at such prices from the Allburn Collieries Company.

(b) Coal in Size Group 20 produced at the Allburn Mine (Mine Index No. 8) of the Allburn Collieries Company may be sold at a price no higher than \$2.50 per ton f. o. b. the mine, for rail shipment.

(c) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 15 shall become effective July 11, 1942.

Issued this 10th day of July, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-6577; Filed, July 10, 1942;  
12:00 m.]

CALUMET STEEL DIVISION, BORG-WARNER CORPORATION, CHICAGO HEIGHTS, ILLINOIS

### ORDER GRANTING PARTIAL EXCEPTION

Order No. 15 under revised Price Schedule No. 6<sup>2</sup>—iron and steel products.

On March 14, 1942, the Calumet Steel Division of the Borg-Warner Corpora-

<sup>1</sup>7 F.R. 3168, 3447, 3901, 4336, 3432, 4404.

<sup>2</sup>7 F.R. 971, 3663.

<sup>3</sup>7 F.R. 1215, 1836, 2132, 2153, 2233, 2239, 2351, 3115.

tion, Chicago Heights, Illinois, herein-after referred to as the Petitioner, filed its petition for an exception to the terms of Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (b) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 15 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) That Calumet Steel Division, Borg-Warner Corporation, Chicago Heights, Illinois, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, carbon steel merchant bars as set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, carbon steel merchant bars at such prices from the Calumet Steel Division of the Borg-Warner Corporation, Chicago Heights, Illinois.

(b) Carbon steel merchant bars produced on Petitioner's 8" bar mill at a price not in excess of \$2.35 cwt., Base, Chicago.

(c) Permission herein granted to Calumet Steel Division, Borg-Warner Corporation, Chicago Heights, Illinois, in this Order No. 15 is subject to the condition that a monthly statement be filed with the Office of Price Administration setting forth the quantity and a brief description of all sales or shipments made pursuant to the terms of this Order accompanied by a monthly statement of profit and loss.

(d) This Order shall apply only to shipments made after July 15, 1942.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 15 may be revoked or amended at any time by the Price Administrator.

(g) This order No. 15 shall become effective July 15, 1942.

Issued this 10th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-6578; Filed, July 10, 1942;  
12:01 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-553]

LOUISIANA PUBLIC SERVICE CORPORATION  
AND AMERICAN UTILITIES SERVICE CORPORATION

### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

<sup>1</sup>7 F.R. 971.

office in the City of Philadelphia, Pennsylvania, on the 8th day of July 1942.

American Utilities Service Corporation, a registered holding company, and Louisiana Public Service Corporation, its subsidiary company, having filed a declaration pursuant to Rules U-42 and U-44 promulgated under the Public Utility Holding Company Act of 1935 concerning the sale by said Louisiana Public Service Corporation to Louisiana Power and Light Company of all of its electric properties for the sum of \$437,155.95 in cash (such purchase price being subject to certain adjustments); also the sale of all of the materials, supplies and accounts receivable with respect to such properties; the acquisition and retirement by said American Utilities Service Corporation of not exceeding \$400,000 principal amount of its Collateral Trust 6% Bonds, Series A; and

An amendment covering the form of communication to be sent to bondholders asking for tenders pursuant to Rule U-62 having been filed; and

Said declaration having been filed June 3, 1942 and the last amendment having been filed June 30, 1942; and

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the price at which said bonds will be acquired will exceed or almost equal their principal amount; and

The Commission finding that said declaration satisfies the standards of Rules U-42, U-44 and U-62;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration as amended be and become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6541; Filed, July 9, 1942;  
3:01 p. m.]

[File No. 70-522]

SOUTHERN NATURAL GAS COMPANY AND  
SOUTHERN PRODUCTION COMPANY, INC.

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of July 1942.

Applications and a declaration, and amendments thereto, having been filed with this Commission by Southern Natural Gas Company, a registered holding company, and Southern Production Company, Inc., a wholly-owned subsidiary of Southern Natural Gas Company,

pursuant to sections 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-45 promulgated pursuant to said Act, regarding (a) the issue and sale by Southern Production Company, Inc., and the acquisition by Southern Natural Gas Company at the principal amount thereof, of \$500,000, principal amount of 3% Serial Notes, and (b) the sale by Southern Natural Gas Company, and the acquisition by Southern Production Company, Inc., of an interest in certain oil leases for \$13,170 in cash; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24, said applications, as amended, be and hereby are granted forthwith, and said declaration, as amended, be and hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6540; Filed, July 9, 1942;  
3:01 p. m.]

[File No. 70-569]

INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of July, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than July 23, 1942, at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request, that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed, or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its \$3.50 Prior Preferred Stock at the rate of

87½¢ per share on the 98,967 shares of such stock presently outstanding. The aggregate amount of this dividend will be \$86,596.13.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6542; Filed, July 9, 1942;  
3:01 p. m.]

[File Nos. 70-549, 70-551, 70-563]

ASSOCIATED ELECTRIC CO., ET AL.

NOTICE OF AND ORDER FOR RECONVENING  
HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July, 1942.

In the matter of Associated Electric Company, File No. 70-549; in the matter of NY PA NJ Utilities Company, File No. 70-551; in the matter of Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company, and Associated Electric Company, File No. 70-563.

The Commission on June 17, 1942, having issued its Notice of Filing and Order for Hearing and Order for Consolidation in the above entitled matters; and notice having been given of the following matters:

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to exchange its present holdings of 1,572 shares of \$2.80 Cumulative Preferred Stock, no par value, and 115,000 shares of Common Stock, \$1.00 par value (being the entire common stock of) of Keystone Public Service Company, with Associated Electric Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, for \$1,832,500 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, now held by Associated Electric Company. As part of the transaction Associated Electric Company proposes to deliver the said bonds to The Pennsylvania Company for Insurance on Lives and Granting Annuities as trustee under the indenture dated as of August 1, 1936, between NY PA NJ Utilities Company and The Pennsylvania Company for Insurance on Lives and Granting Annuities. NY PA NJ Utilities Company will obtain the release of 1,408 shares of \$2.80 Cumulative Preferred Stock and 118,000 Common Stock of Keystone Service Company now pledged as collateral with the Indenture Trustee.

Associated Electric Company proposes to acquire for cash from Keystone Public Service Company \$856,000 principal amount of NY PA NJ Utilities Company 5% Debentures, due January 15, 1952, for a sum of \$727,600, plus accrued interest; and the investment of Keystone Pub-

lic Service Company in Citizens Transit Company, for \$50,670.87.

Associated Electric Company proposes further to donate to Keystone Public Service Company as a capital contribution 1,572 shares of the preferred stock of Keystone Public Service Company.

Keystone Public Service Company proposes to sell for redemption, at the redemption price of \$52.50 per share, the 10,367 shares of preferred stock of Keystone Public Service Company then outstanding.

Pennsylvania Electric Company, a subsidiary of Associated Electric Company, proposes to acquire the assets of Keystone Public Service Company and assume all liabilities, the cash consideration to be paid by Pennsylvania Electric Company to be based on the estimated original cost of the fixed assets of Keystone Public Service Company (exclusive of amounts includable in accounts 100.5 and 107) plus current and other assets less liabilities (including the liability on the call of the preferred stock of Keystone Public Service Company) and reserve for retirements applicable to the original cost of fixed assets.

Pennsylvania Electric Company also proposes to issue and sell at private sale \$500,000 principal amount of notes maturing serially, the proceeds to be derived from the sale of said notes to be used by Pennsylvania Electric Company together with other funds to redeem the preferred stock of Keystone Public Service Company.

Keystone Public Service Company proposes then to dissolve and to transfer to Associated Electric Company the net cash proceeds received by it from Pennsylvania Electric Company in consideration for its assets transferred to Pennsylvania Electric Company.

Pennsylvania Electric Company proposes to acquire for cash that portion of the property of Penelec Water Company used to supply water to the Seward generating plant of Pennsylvania Electric Company, the consideration to be paid by Pennsylvania Electric Company to be based on the estimated original cost of the property to be acquired, less provision for retirements applicable thereto, such estimate amounting to \$311,308.55, at March 31, 1942.

A hearing having been held thereon on June 24 and June 25, 1942, and said hearing having been continued, on motion of counsel for applicant-declarant, NY PA NJ Utilities Company, subject to call, and counsel for applicants and declarants having indicated that additional evidence is to be offered on various issues; and it appearing appropriate to the Commission that the hearing herein be reconvened and that at said reconvened hearing opportunity be afforded to interested persons to introduce relevant evidence or otherwise be heard;

It is ordered, That the hearing in the above entitled matter be reconvened before the trial examiner, previously designated, on July 24, 1942, at 10 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such

room as may be designated at that time by the hearing room clerk in room 318.

It is further ordered, That without limiting the scope of the issues, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the consideration to be paid by Associated Electric Company for the securities of Keystone Public Service Company to NY PA NJ Utilities Company is reasonable.

2. Whether the consideration to be paid by Associated Electric Company for the debentures of NY PA NJ Utilities Company to Keystone Public Service Company is reasonable;

3. Whether the consideration to be paid by Associated Electric Company for the investment of Keystone Public Service Company in Citizens Transit Company is reasonable;

4. Whether the consideration to be paid by Pennsylvania Electric Company for the portion of the property of Penelec Water Company used to supply water to the Seward generating plant of Pennsylvania Electric Company is reasonable;

5. Whether the acquisition by Associated Electric Company of the investment in Citizens Transit Company is in the public interest and in the interest of investors of Associated Electric Company;

6. Whether the fees, and particularly the legal fees, are fair and reasonable;

7. Whether the terms and conditions of any of all of the proposed transactions are detrimental to the public interest or the interests of investors or consumers;

8. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or order promulgated thereunder;

9. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or order promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6543; Filed, July 9, 1942;  
3:01 p. m.]

[File No. 70-463]

PENNSYLVANIA ELECTRIC CO.  
ET AL.

NOTICE OF AND ORDER FOR RECONVENING  
HEARING, NOTICE OF FILING PLAN AND ORDER FOR HEARING THEREON

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July, A. D. 1942.

In the matter of Pennsylvania Electric Company, The Clarion River Power Company, Erie Lighting Company, Solar Electric Company, Youghiogheny Hydro-Electric Corporation, Associated Maryland Electric Power Corporation, and Associated Electric Company.

Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, having filed applications and declarations in con-

nection with its issue and sale of bonds and preferred stock and its acquisition of the assets of certain of its subsidiaries and of associate companies; and

As part of such program, Pennsylvania Electric Company having proposed the acquisition of the assets, subject to liabilities, of The Clarion River Power Company, its subsidiary, in consideration of a credit in the amount of \$5,184,075.83 on the open account indebtedness of The Clarion River Power Company owing to Pennsylvania Electric Company; and

It being represented that, as per books, as at October 31, 1941, The Clarion River Power Company had outstanding the following securities and claims against it.

Security or claim	Amount outstanding	Held by Pennsylvania Electric Co.	Held by public
Common stock—\$100 par value (shares).....	220	220	—
Participating capital stock \$100 par value (shares).....	44,530	40,252.3	4,277.7
Open account indebtedness.....	\$3,063,000	\$3,063,000	—

In order to expedite consideration of the financing, applicants-declarants having requested that the determination of the rights of the public holders of the Participating Capital Stock of The Clarion River Power Company be reserved and that they would submit a plan or program with respect to the rights and interests of the public holders of said stock;

The Commission, having on February 17, 1942, issued its order in the above entitled matter, permitting the declarations to become effective and approving the applications, upon certain conditions, and the Commission having expressly reserved jurisdiction as follows:

To determine whether and the extent to which the indebtedness of The Clarion River Power Company to Pennsylvania Electric Company should be subordinated to the publicly-held Participating Capital Stock and the extent to which payments should be made by Pennsylvania Electric Company, as acquirer of the assets of The Clarion River Power Company, to said holders of Participating Capital Stock in satisfaction of their interests;

And Ford R. Jennings and George N. Fleming having filed a declaration pursuant to Rule U-62 to solicit the public holders of the Participating Capital Stock of The Clarion River Power Company and having indicated in such solicitation material that "the Committee proposes in due course to request the Securities and Exchange Commission to retain jurisdiction of the proceedings to the extent of determining the amount of its compensation and expenses and those of its counsel after the work of the Committee has been completed, and to assess such compensation and expenses against either the Pennsylvania Electric Company or The Clarion River Power Company or both;" and

The Commission on April 21, 1942 having permitted the declaration of Ford R. Jennings and George N. Fleming to be-



come effective subject to a reservation of jurisdiction over the question of fees and expenses, if any, to be allowed said Committee; and

Pennsylvania Electric Company and Associated Electric Company having filed a plan or proposal and an amendment thereto for disposing of the "alleged claim of the public holders of Participating Capital Stock of The Clarion River Power Company" by offering to set aside in a special account the sum of \$21,338.50, being on the basis of \$5 per share for the 4,267.7 shares of Participating Capital Stock held by the public, for distribution to said public holders; and

The proposal and offer, as amended, being made by said companies upon the following conditions:

(a) That the Commission enter an order approving the proposal and offer as fair and equitable;

(b) That an order be entered by such other regulatory authority as counsel for applicants-declarants deem necessary approving said proposal and offer;

(c) That the proposal and offer be formally approved by 75% in face amount of the publicly held Participating Capital Stock by a writing or writings signed by such holders or their duly authorized representatives, but that "nothing herein contained shall be deemed to be or shall be construed as an admission that the approval of any of such public holders is necessary or required if the other conditions herein set forth are satisfied; and the Pennsylvania Electric Company expressly reserves the right to pay over to such number of holders as it deems advisable their pro rata share of the sum above mentioned, regardless of whether the public holders of 75% of such stock approve or not";

(d) That if Pennsylvania Electric Company shall desire, it may require that in addition to receiving approvals from public holders of 75% of the stock, the certificates representing the stock of each such approving holder shall be deposited with an escrow agent who shall receive payment on behalf of such holders in the pro rata share allocable thereto against delivery to the company of such certificates of stock and a release in favor of The Clarion River Power Company and the Pennsylvania Electric Company signed by such holder;

(e) That the conditions which applicants attach to their proposal and offer must be complied with on or before December 31, 1942.

The applicants-declarants having requested that the Commission pass upon the proposal and offer in accordance with the terms and provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated by the Commission pursuant thereto; and

It appearing to the Commission that the hearing in the matter should be reconvened, to consider the questions over which the Commission reserved jurisdiction and the plan or program filed;

It is ordered that a hearing be held under the applicable provisions of the Public Utility Holding Company Act and rules of the Commission thereunder, on August 13, 1942, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing room clerk in room 318. At such hearing all security holders will be heard with respect to the questions over which the Commission reserved jurisdiction, the fairness of the plan submitted, and any matters affecting their interests.

It is further ordered that Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered that without limiting the generality of the foregoing and without limiting the scope of the proceedings as specified herein, particular attention will be directed at said hearing to the following matters and questions:

1. Whether and to what extent the public holders of the Participating Capital Stock of The Clarion River Power Company should share in the assets of that company and/or of Pennsylvania Electric Company as acquirer of the assets of The Clarion River Power Company;

2. Whether and to what extent the interest of Pennsylvania Electric Company in The Clarion River Power Company should be subordinated to the interest of the public holders of the Participating Capital Stock;

3. Whether such plan or proposal is necessary and appropriate to effectuate the provisions of Section 11 of the Act;

4. Whether the proposed plan or proposal is fair and equitable to the public holders of the Participating Capital Stock of The Clarion River Power Company;

5. Whether in view of the conditions contained in said plan said plan can be considered feasible;

6. Whether and to what extent provision should be made in said plan or otherwise for compensation for the Committee (Ford R. Jennings and George N. Fleming) and its counsel;

7. Whether any modification should be made in said plan or proposal.

It is further ordered, That notice of said hearing be and is hereby given to the applicants-declarants and notice is hereby given to all security holders of The Clarion River Power Company, such notice to be given by Pennsylvania Electric Company or The Clarion River Power Company as hereinafter provided and also by publication of this order in the FEDERAL REGISTER and by general release of the Commission, distributed to

the mailing list for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That The Clarion River Power Company or Pennsylvania Electric Company shall give notice of the hearing by sending a copy of this notice of and order for hearing to all the holders of the Participating Capital Stock of The Clarion River Power Company; such notice to be mailed by The Clarion River Power Company or Pennsylvania Electric Company not later than fifteen days prior to the date of the hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6553; Filed, July 10, 1942;  
10:22 a. m.]

[File Nos. 70-254, 70-267, 70-202]

CENTRAL STATES POWER & LIGHT  
CORPORATION

#### SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July 1942.

The Commission on the 22nd day of July 1941, having issued an order permitting declarations to become effective regarding the proposed utilization of approximately \$5,300,000, derived by the declarant from sale of certain of its assets, to the acquisition of a portion of its First Mortgage and First Lien Gold Bonds, 5½% series, due January 1, 1953, pursuant to tenders at 100 and accrued interest; the Commission having modified the aforesaid order on the 28th day of February 1942, by permitting declarant to utilize such funds to purchase its first mortgage bonds in the open market at 100 and accrued interest;

The time within which such bonds might be acquired in accordance with the order of the Commission as modified, having expired on March 31, 1942;

Declarant having filed an amendment herein stating that, of the proceeds derived from the sale of its properties as aforesaid, \$17,265 remains unexpended and that additional funds in an approximate amount of \$128,500 are also available for the purchase of such bonds and requesting that it be permitted to utilize such funds to acquire an additional portion of its first mortgage bonds at 100 and accrued interest either by purchase in the open market or pursuant to solicitation of tenders or both; and

It appearing to the Commission that declarant's request should be granted

It is ordered, That such request be, and it hereby is, granted, subject, however, to the terms and conditions of Rule U-24 and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-



amendments shall be deemed applicable in the event that any person shall be directly or indirectly employed to solicit bondholders in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-6552; Filed, July 10, 1942;  
10:22 a. m.]

#### WAR PRODUCTION BOARD.

Division of Industry Operations, Bureau of Priorities.

##### FORM PD-4X-1 PRESCRIBED

Notice is hereby given that pursuant to paragraph (b) of Priorities Regulation No. 12 of the War Production Board (§ 944.33) the attached form of Rerating Direction, PD-4X-1, has been prescribed for use in connection with the rerating by the armed services of deliveries of aircraft and components thereof. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

PD-4X-1

WAR PRODUCTION BOARD

BUREAU OF PRIORITIES

WASHINGTON D. C.

Rerating Division

(To be used only by Government Officials for rerating orders for aircraft and components)

Issued to: \_\_\_\_\_  
(Name of Prime Contractor)

Address: \_\_\_\_\_

Pursuant to Priorities Regulation No. 12 deliveries indicated below are rerated as follows:

Description of product	Type or model	Production period	New preference rating	Quantity for production period*	Allocation classification and purchaser's symbol under priorities reg. No. 19
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\*Based on production schedules in Reports 8, 9 or 19 of the Aircraft Branch, War Production Board, or on other official production schedules of Army Air Forces or Bureau of Aeronautics.

This form may be issued only by Government officials to rerate deliveries, under prime contracts, directly to the Army, Navy, and other Government war agencies as listed in Priorities Regulation No. 1. Reratings of deliveries to be made to the above-named contractor must be made on Form PD-4Y and in compliance with Priorities Regulation No. 12 of the War Production Board.

By authority of:

J. S. KNOWLSON, Director of Industry Operations.

\_\_\_\_\_  
(Signature of Gov't Rerating Officer)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Initiating Agency)

Instructions to Issuing Officer: This form must be issued in quadruplicate and copies provided each of the following

1. Prime contractor.
2. Supply Service or Bureau.
3. Contracting or Inspection Officer.
4. Army-Navy Munitions Board.

[F. R. Doc. 42-6581; Filed, July 10, 1942; 12:03 p. m.]

